

**(UNREDACTED)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

-----

JANE DOE,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	NO. 16-2308
	)	
RHODES COLLEGE, AND	)	
ROBERTO DE LA SALUD BEA,	)	
	)	
Defendant.	)	

-----

TRO/INJUNCTION HEARING  
BEFORE THE HONORABLE JOHN T. FOWLKES, JR., JUDGE  
TUESDAY AFTERNOON  
JUNE 7, 2016

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OFFICIAL REPORTER  
FOURTH FLOOR FEDERAL BUILDING  
MEMPHIS, TENNESSEE 38103

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W I T N E S S I N D E X

<u>WITNESS</u>	<u>PAGE</u>	<u>LINE</u>
PRIANKA BOSE		
DIRECT EXAMINATION		
BY MR. TIMMONS .....	25	6
CROSS EXAMINATION		
BY MS. KRUPICKA .....	107	21
REDIRECT EXAMINATION		
BY MR. TIMMONS .....	149	7
ILLENE CHELSEA DEZFULI		
DIRECT EXAMINATION		
BY MR. TIMMONS .....	156	6
RATHI BOSE		
DIRECT EXAMINATION		
BY MR. TIMMONS .....	162	6
MARCUS POHLMANN		
DIRECT EXAMINATION		
BY MS. KRUPICKA .....	170	6
CROSS EXAMINATION		
BY MR. COHEN .....	175	23

E X H I B I T I N D E X

<u>EXHIBIT NUMBER</u>		<u>PAGE</u>	<u>LINE</u>
Exhibit Number 1	Letter . . . . .	57	25
Exhibit Number 2	E-mail . . . . .	62	1
Exhibit Number 3	E-mails . . . . .	69	11
Exhibit Number 4	Transcript . . . . .	73	1
Exhibit Number 5	Grading roster ..	74	12
Exhibit Number 6	Grading roster ..	75	7
Exhibit Number 6	Grade roster ...	105	9
Exhibit Number 7	Midterm 1 . . . . .	76	8
Exhibit Number 8	Quiz 2 . . . . .	76	17
Exhibit Number 9	Midterm 2A . . . . .	76	24
Exhibit Number 10	Quiz 3 . . . . .	77	9
Exhibit Number 11	Midterm 3 . . . . .	77	20
Exhibit Number 12	Fake Answer Key	83	15
Exhibit Number 13	Transcript . . . . .	97	16
Exhibit Number 13	Transcript . . . . .	99	13
Exhibit Number 14	Packet . . . . .	136	14
Exhibit Number 15	Appeal packet .	141	2
Exhibit Number 16	Transcript . . . . .	142	19
Exhibit Number 17	E-mail . . . . .	173	5

**TUESDAY AFTERNOON**

**JUNE 7, 2016**

The TRO/Injunction Hearing in this case began on this date, Tuesday, 7 2016, 2016, at two o'clock p.m., when and where evidence was introduced and proceedings were had as follows:

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**THE COURT:** All right. Good afternoon, everyone.

**MS. KRUPICKA:** Good afternoon, Your Honor.

**MR. TIMMONS:** Good afternoon.

**THE COURT:** For the record, this is Jane Doe versus Rhodes College, et al, set today for a hearing on motion for preliminary injunction. Of course, we have some other motions that are on -- in the record.

And, like I normally do, after we get everyone identified for the record, I'm going to need kind of an update from both sides about where we are in the case, any progress that has been made, discussions, also brief talk about, at least from your various perspectives how we are going to proceed today, whether there will be witness

1 testimony, how many, so I can get a gauge on where  
2 we will be going.

3 I've read the material that has been filed  
4 by both sides. And so I think we can make a lot of  
5 progress in at least bringing the preliminary  
6 matters to a head and to a close, understanding that  
7 there are some other motions that have been filed,  
8 most -- most particularly the motion to dismiss.

9 With that being said, let's see,  
10 identifying the parties, who is here representing  
11 plaintiff in the case today?

12 **MR. TIMMONS:** Your Honor, my name is Brice  
13 Timmons from Black McLaren here in Memphis. I  
14 represent Ms. Prianka Bose who is proceeding  
15 presently as Jane Doe.

16 **THE COURT:** All right.

17 **MR. TIMMONS:** This is my cocounsel, Cliff  
18 Cohen from the Kansas bar who is admitted  
19 pro hac vice for the purposes of this case.

20 **THE COURT:** Okay. Mr. Cohen, welcome,  
21 it's go to see you today.

22 **MR. COHEN:** Please to be here, thank you,  
23 Your Honor.

24 **THE COURT:** All right. And who is  
25 representing the defendants?

1                   **MS. KRUPICKA:** Good afternoon, Your Honor.

2                   Lisa Krupicka for Rhodes College.

3                   My colleague Gary Peeples for Rhodes  
4 College.

5                   We have Mr. Kyle Webb, Vice-President of  
6 Finance from Rhodes College is our representative of  
7 the college.

8                   And this is the defendant, Dr. Roberto de  
9 la Salud Bea.

10                  **THE COURT:** Okay. It's good to see you  
11 all, thanks for coming in today.

12                  Okay. And now update as far as the case  
13 is concerned, where we are, and summarizing, at  
14 least from your perspective, what we will be doing  
15 today.

16                  Let me hear first from plaintiff.

17                  **MR. TIMMONS:** Your Honor, at this stage,  
18 as clear from the docket, we have a pending motion  
19 for preliminary injunction. The defendants have  
20 filed a partial motion for 12(b)(6) dismissal to  
21 which we filed a response.

22                  There's also the remaining issue of the  
23 protective order related to Ms. Bose proceeding  
24 under a pseudonym.

25                  I would assume that those last two matters

1 can be taken up at a later time. We have got a lot  
2 of witnesses here today and I think that we should  
3 probably just move straight into the proof and get  
4 to the crux of the preliminary injunction issue.

5 Ms. Bose will testify as my first and  
6 primary witness. And then I have two supporting  
7 witnesses and one potential rebuttal witness  
8 depending on the testimony presented by the -- the  
9 defense. And that would be all that I have today.

10 **THE COURT:** All right. Any argument that  
11 you will make before we get into the proof?

12 I mean, that's okay if you don't, we can  
13 just go ahead and start dealing with witness  
14 testimony.

15 **MR. TIMMONS:** Your Honor, I would prefer  
16 to just move straight into testimony, and except to  
17 the extent that the court want -- has any questions  
18 about the briefs that have already been filed.

19 **THE COURT:** Uh-huh.

20 **MR. TIMMONS:** If Ms. Krupicka wishes to  
21 make openings, we're prepared to make an opening,  
22 but in the interest of time, I understand the court  
23 probably doesn't want to be here past six o'clock  
24 today, so I would prefer to just move on into the  
25 proof.



1           **THE COURT:** All right. Let me hear from  
2 the defense.

3           Would it be Ms. Krupicka?

4           **MS. KRUPICKA:** Your Honor, it's our  
5 position that, although we are prepared to offer  
6 witnesses today, but that it is not necessary to  
7 hear a lot of testimony, that the testimony, the  
8 relevant facts are all transcribed in this  
9 particular case. Virtually no dispute for purpose  
10 us of this motion as to the facts.

11           We submit to Your Honor that simply on the  
12 briefs Your Honor can determine there is no  
13 substantially likelihood of success on the merits  
14 and that there is no irreparable harm that can be  
15 addressed by preliminary injunction.

16           And I would like to be heard on that if I  
17 may, Your Honor.

18           **THE COURT:** The transcripts, are they in  
19 the okay. Record here.

20           **MS. KRUPICKA:** Yes, they are.

21           **THE COURT:** Okay.

22           **MR. TIMMONS:** Your Honor, I'm not entirely  
23 clear what she's suggesting.

24           The only transcripts that are in this case  
25 are transcripts of proceedings that took place in

1 the administrative process within Rhodes College.

2 Now certain of those I have prepared as  
3 potential exhibits today, but they are not  
4 deposition transcripts that can be filed with the  
5 court.

6 So I don't see how we could proceed  
7 without the court taking live testimony.

8 **MS. KRUPICKA:** Your Honor, I would submit  
9 to you that we can take the plaintiff's position in  
10 terms of her -- her version of the facts as  
11 undisputed for purposes of this motion and that  
12 there is still no substantially likelihood of  
13 success on the merits.

14 And I've got the tran -- the Honor Council  
15 hearing was transcribed, the Faculty Appeals  
16 Committee hearing was transcribed, the witnesses  
17 were testifying under oath.

18 We can -- I have a witness that can admit  
19 those for -- if the court would like to review the,  
20 but, frankly, if the Honor Council and the Faculty  
21 Appeals Committee didn't hear any proof, then the  
22 proof is not -- is not relevant to this proceeding  
23 because Rhodes College is being sued and it's Rhodes  
24 College's actions that are being challenged. And if  
25 there is proof that the Honor Council or the Faculty

1 Appeals Committee didn't hear, then that proof is  
2 not admissible for purposes of proving anything in  
3 this case.

4 **THE COURT:** Thank you.

5 **MR. COHEN:** May I be heard briefly, Your  
6 Honor?

7 **THE COURT:** Yeah, Mr. Cohen and  
8 Mr. Timmons, she says that there is no need for the  
9 testimony in light of the fact that it's all in the  
10 record.

11 Now I'll be honest with you, I haven't  
12 read that, I haven't seen it in the record. I  
13 thought there would be some, oh, augmentation of the  
14 record today.

15 But how do you -- how do you respond to  
16 that?

17 **MR. COHEN:** Your Honor, the disconnect is  
18 that Ms. Krupicka would tell the court that this  
19 case is all about whether our client got a fair  
20 hearing at the Rhodes College Honor Council with  
21 regard to an allegation of cheating.

22 The truth is the case today is not about  
23 that at all. It's really about count one of the  
24 complaint that alleges that the mere fact that our  
25 client complained of unwelcomed sexual harassment,

1   unwelcomed romantic interest on the part of the  
2   defendant Bea caused him and the college to  
3   retaliate leading to her expulsion and her damages.

4               **THE COURT:**   I'm -- I'm familiar with all  
5   that.

6               What I'm talking about is the state of the  
7   record today and whether we need testimony or, as  
8   Ms. Krupicka says, the -- the record is already  
9   augmented with the testimony and the facts that I  
10   need to make this decision.

11              That's -- that's the question that I have  
12   right now.

13              **MR. COHEN:**   Your Honor, I don't think  
14   there is any record that you could look at today,  
15   without live testimony, that would inform you as to  
16   the facts and circumstances of the unwelcomed  
17   attention by the professor, the efforts she made  
18   directly with him to have him stop that, the  
19   resulting accusation of cheating made within eight  
20   days of her complaint to him, and then her  
21   continuing efforts through different administrative  
22   channels at Rhodes to stop the retaliation except it  
23   didn't stop and it resulted in her expulsion. That  
24   story is nowhere available except from the mouths of  
25   these witnesses.

1           **THE COURT:** That did not come out in any  
2 of the hearings or anything like that?

3           **MR. TIMMONS:** No, Your Honor.

4           In fact, no, I don't think it's terribly  
5 relevant to the preliminary injunction today, a  
6 significant portion of the plaintiff's position is  
7 that she was denied a fair opportunity to present  
8 this material, that the limited investigation  
9 conducted at the college level went out of its way  
10 to preclude her from establishing that Dr. Bea  
11 harassed her --

12           **THE COURT:** There'll be a time to argue  
13 all that.

14           **MR. TIMMONS:** Certainly.

15           **THE COURT:** Really all I'm dealing with  
16 right now is the state of the record and whether or  
17 not we'll take the live testimony today.

18           **MR. TIMMONS:** There is no live  
19 testimony -- there is no testimony in the record at  
20 all at this stage.

21           And the admission of transcripts of  
22 proceedings that were prepared by the defendant at  
23 hearings conducted by the defendant cannot serve to  
24 take the place of live witness testimony so the  
25 plaintiff has an opportunity to demonstrate her case

1 for a violation of Title IX to this court.

2 **THE COURT:** All right, I understand.

3 Ms. Krupicka, when you say that --

4 **MS. KRUPICKA:** Your Honor, may I be heard  
5 one -- on one more, may I respond to that?

6 **THE COURT:** Yes.

7 **MS. KRUPICKA:** This is a case in which  
8 they're seeking a preliminary injunction to expunge  
9 Ms. Doe's record of any expulsion.

10 And the basis for that is that they claim  
11 that Rhodes College retaliated against Ms. Doe -- I  
12 hope I keep saying Ms. Doe -- for something that --  
13 that she said to Dr. Bea.

14 And I would submit to you, Your Honor,  
15 that there is no individual liability under Title IX  
16 for -- so it will -- they will have to establish  
17 that Rhodes College retaliated against Ms. Doe  
18 because she complained to Dr. Bea that she didn't  
19 want to discuss her personal life with him.

20 And I would submit to, Your Honor, that  
21 viewing the transcript of the Honor Council hearing,  
22 reviewing the submission to the Faculty Appeals  
23 Committee and viewing the -- the transcript of the  
24 Faculty Appeals Committee hearing there is  
25 absolutely no evidence that Rhodes College

1 retaliated against her, even if we accept everything  
2 that Ms. Doe is saying is true, no evidence.

3 **THE COURT:** Again, getting back to my  
4 inquiry, the state of the record that I have here,  
5 do we have all that in here?

6 **MS. KRUPICKA:** No, Your Honor.

7 I'm -- I'm happy to offer it now.

8 **THE COURT:** Okay. I'm happy for you -- we  
9 can receive those exhibits, but I'm not going to cut  
10 plaintiff off from -- from making her case -- her  
11 case.

12 The allegations are that, although there  
13 is an investigation that was conducted, it was  
14 insufficient.

15 And so because of that, I'm going to allow  
16 the plaintiff to present the case, the live  
17 testimony that is necessary. And obviously you will  
18 be able to cross examine. And if you desire to put  
19 on any proof, the opportunity will be afforded.

20 **MS. KRUPICKA:** Your Honor, may I make an  
21 opening statement?

22 **THE COURT:** Yes, go ahead.

23 **MS. KRUPICKA:** I don't want to annoy you,  
24 Your Honor, but I do think it might help to put this  
25 dispute into context.

1                   **THE COURT:** Go ahead.

2                   **MS. KRUPICKA:** Do you want me to come to  
3 the podium or should I stand here?

4                   **THE COURT:** That's fine there or the  
5   podium, just your choice.

6                   **MS. KRUPICKA:** Probably hear a little  
7 better from up there.

8                   Your Honor, as I understand it the  
9   purpose, this is a motion for a hearing on a motion  
10 for preliminary injunction.

11           And as we know, the main factors to be  
12   considered in determining whether injunctive relief  
13   is warranted is, number one, substantially  
14   likelihood of success on the merits, and, number  
15   two, irreparable harm.

16                   Now I would submit to Your Honor that  
17   nothing any witness says today will establish either  
18   one of those things.

19 First of all with regard to the Title IX  
20 claim.

21           It is my understanding that the plaintiff  
22   has now abandoned her claim that the violation is  
23   for sexual harassment and now claims that the  
24   violation of Title IX is for retaliation.

25 Assuming the sexual harassment statement



1 is still alive, we've submitted to Your Honor  
2 multiple cases all holding on facts much more  
3 serious than this one, that there's -- that the --  
4 they do not state a claim.

5 Here, Ms. Bose claims that Dr. Bea asked  
6 her about her boyfriend, that he asked her to dinner  
7 on one occasion, that he observed her in her lab  
8 class, that he passed her in the cafeteria and said  
9 are you texting your boyfriend, and that she  
10 subsequently told him she didn't want to discuss  
11 personal matters with him. That is the extent of  
12 her allegations.

13 And I would -- if Your Honor would refer  
14 to the cases we've cited in our brief, I would  
15 submit that they don't even -- even remotely  
16 approach the level of seriousness that would state a  
17 claim for sexual harassment under Title IX.

18 But let's go to retaliation claim.

19 Again, this claim must be against Rhodes  
20 College, it cannot be against Dr. Bea, there's no  
21 individual liability under Title IX.

22 There is absolutely no evidence, I submit  
23 to Your Honor, that Rhodes suspected Dr. Bea of  
24 fabricating evidence in order to retaliate against  
25 the plaintiff.

1           The plaintiff never at anytime during the  
2 five hours or so Honor Council hearing or during the  
3 Faculty -- or -- no -- the five or so hours of Honor  
4 Council hearing did she say that Dr. Bea had falsely  
5 accused her of cheating in order to retaliate  
6 against her until her closing argument.

7           And even then she made a very thinly  
8 veiled reference to it. Most of the hearing she  
9 spent arguing either that she got to those answers  
10 on her own or that Dr. Bea was so familiar with the  
11 way she thought that he wrote the quiz, he created  
12 the fake answer key with answers he thought she  
13 would -- wrong answers she thought he would give --  
14 she would give.

15           And, Your Honor, there is absolutely no  
16 proof that Rhodes College ever -- there is no  
17 evidence that Rhodes College was ever permitted to  
18 consider this idea and reject it until the Faculty  
19 Appeals Committee hearing in which an extensive  
20 appeal letter was submitted listing all of the  
21 things that Dr. Bea was alleged to have done.

22           The Faculty Appeals Committee considered  
23 that appeal and they upheld the decision of the  
24 Honor Council.

25           So to me, Your Honor, there is no dispute

1 that Ms. Bose had ample evidence to try to establish  
2 that Rhodes College knew that the proof of her  
3 cheating was false and expelled her anyway. And  
4 there is just no evidence of that, Your Honor.

5 In fact, there is really no evidence that  
6 Dr. Bea, simply as a matter of logic, could have  
7 retaliated against her. Her theory was that he knew  
8 how she thought, so he created a fake answer key  
9 that he -- that he could guess the wrong answers she  
10 would give.

11 Now her theory, apparently now, is that  
12 Dr. Bea created the fake answer key after the fact  
13 to get her.

14 And, you know, Your Honor, Rhodes College  
15 has no knowledge of that, that information was never  
16 presented to Rhodes College. Her expulsion was  
17 based on the record before it. And there is no  
18 evidence that Rhodes knew of any alleged retaliation  
19 by Dr. Bea.

20 So I'd submit to Your Honor that that  
21 claim, there is no substantially likelihood of  
22 success on the merits on that claim.

23 The evidence showed that -- that Rhodes  
24 received -- showed that Jane Doe had the same  
25 answers on her quiz as Dr. Bea's fake answer key.

1 And the odds of that happening without cheating are  
2 slim to none.

3 The other claim that they're seeking  
4 relief on is a preliminary injunction matter is for  
5 breach of contract. Rhodes apparently not following  
6 its procedures precisely.

7 That is not a proper subject for  
8 injunctive relief, Your Honor. It's only -- only  
9 money damages are -- can compensate for a breach of  
10 contract.

11 Then we come to the issue of irreparable  
12 harm.

13 As we know, preliminary junction is  
14 designed to preserve the status quo so the plaintiff  
15 will not experience irreparable harm pending a trial  
16 on the merits.

17 In this particular case the status quo is  
18 that the plaintiff is expelled. She's been expelled  
19 since March. She's enrolled in another university.  
20 The court can't order Rhodes to take the expulsion  
21 back without a trial on the merits.

22 And there's no evidence that order doing  
23 that will give the plaintiff the relief she seeks.  
24 Right now she's out of Rhodes, you can't order us to  
25 take her back or order her or order her record

1 expunged until we've had an opportunity to have a  
2 trial on the merits.

3           There is no reason that there needs to be  
4 an injunction now.

5           The plaintiff apparently is arguing that  
6 there is some window of opportunity where she can  
7 still be enrolled in the GW program if her record is  
8 expunged. But that's simply not the case. We're  
9 prepared to offer proof and we have submitted into  
10 the record the memorandum of understanding between  
11 George Washington University School of Medicine and  
12 Rhodes College.

13           This is a program that Ms. Doe can access  
14 only if she is enrolled at Rhodes College and only  
15 if she meets the requirements of the program.

16           She is not enrolled at Rhodes College.

17           And -- and so there is -- she is not  
18 entitled to be readmitted to the GW program unless  
19 Your Honor were to give her all the relief that she  
20 seeks before a trial on the merits, which we would  
21 submit is grossly improper.

22           So I would submit to Your Honor that not  
23 only is there not a substantially likelihood of  
24 success on the merits, but that there is no evidence  
25 either of irreparable harm or that an injunction in

1 the case will afford the plaintiff any meaningful  
2 relive.

3 Thank you.

4 **THE COURT:** All right, thank you.

5 In light of the fact that defense made an  
6 opening statement, Mr. Timmons or Mr. Cohen, if you  
7 want to make an opening, that's fine or we can go  
8 ahead and get on with the proof.

9 **MR. TIMMONS:** Your Honor, I think in the  
10 interest of time, we should just proceed with the  
11 proof.

12 **THE COURT:** All right. Call your first  
13 witness.

14 **MR. TIMMONS:** Your Honor, I call Prianka  
15 Bose.

16 **THE COURT:** All right.

17 Come forward, please.

18 Come around.

19 **MR. TIMMONS:** And, Your Honor, I assume  
20 it's all right that I refer to her by her proper  
21 name, she's filed as Jane Doe --

22 **THE COURT:** I understand.

23 **MR. TIMMONS:** -- but I assume that --  
24 assuming Your Honor intends to continue the  
25 pseudonym after today that we will enter a

1 protective order that would address the record  
2 today, is that fair enough?

3 **THE COURT:** Ms. Krupicka.

4 **MS. KRUPICKA:** I object, Your Honor, if  
5 she is entitled to pseudonym, this is a public  
6 hearing, it's on a public record, I just don't see  
7 any reason why we would dispense with this relief  
8 that they fought so hard to get.

9 **THE COURT:** Is there really any need for  
10 it at this point?

11 **MR. TIMMONS:** Your Honor, there's -- I can  
12 refer to her by whatever name the court prefers me  
13 to refer to her by.

14 **THE COURT:** All right. Then her -- her  
15 formal name will be fine.

16 **MR. TIMMONS:** Thank you, Your Honor.

17 **THE COURT:** Raise your right hand if you  
18 would, please.

19 Do you solemnly swear or affirm, under the  
20 penalties of perjury, the testimony that you are  
21 about to provide the court in this matter will be  
22 the truth, the whole truth and nothing but the  
23 truth, so help you God?

24 **THE WITNESS:** Yes.

25 **THE COURT:** Have a seat right here,

1 please?

2 **MR. TIMMONS:** Your Honor, I have some  
3 documents, if I could approach the --

4 **THE COURT:** That will be fine.

5 **MR. TIMMONS:** Thank you.

6 And just as a point of procedure, when I'm  
7 submitting original documents for the court  
8 reporter, should I just pass those and then place a  
9 copy on the monitor here?

10 **THE COURT:** Once you get them identified  
11 and admitted, the clerk will mark them and then you  
12 can place them on the -- on the display.

13 **MR. TIMMONS:** Thank you, Your Honor.  
14  
15  
16  
17  
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21  
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25



**PRIANKA BOSE,**

was thereupon called as a witness on behalf of the Plaintiff, and having been first duly sworn, was examined and testified as follows:

**DIRECT EXAMINATION**

**BY MR. TIMMONS:**

**Q.** Would you please state your name for the court.

**A.** Prianka Bose.

**Q.** Ms. Bose --

**THE COURT:** Get her to spell her name, please.

**BY MR. TIMMONS:**

**Q.** Would you please spell your name.

**A.** P- as in panda, r-i-a-n-k-a, last name is B- as in boy, o-s-e.

**Q.** And, Ms. Bose, until the end of the fall semester of 2015, where were you a student?

**A.** I was a student at Rhodes College.

**Q.** Okay. What was your major?

**A.** I was a double major in neuroscience and history, with a minor in environmental studies.

**Q.** Okay. At that time -- I'm sorry -- as -- as of the beginning of the fall semester of 2015, what was your GPA at Rhodes College?

1     **A.**       My GPA at Rhodes was about a 3.7.

2     **Q.**       Okay. And had you been admitted into any  
3 graduate programs following your -- that were -- you  
4 were expected to attend after Rhodes College?

5     **A.**       I was on a provisional acceptance to George  
6 Washington University Medical School in Washington,  
7 D.C., it was an early acceptance program that was  
8 affiliated with Rhodes and many other colleges in  
9 the United States.

10    **Q.**       All right. Tell us about this program and  
11 how it worked?

12    **A.**       When you become a sophomore at Rhodes, you  
13 have the option to apply to the George Washington  
14 Program. The way you apply is a three-step process.

15           First, you write your essays, it's about six  
16 essays, and then you submit them to the Health  
17 Professional Adviser, at the time that I was a  
18 student the Health Professional Adviser was Dr. Alan  
19 Jaslow.

20           After you submitted to Dr. Jaslow, he reviews  
21 them and makes a first cut. And out of the people  
22 who survive the first cut, they are then put through  
23 an internal interview phase, so you have two  
24 interviews with two different science teachers in  
25 different departments. I had social sciences with

1 psychology and natural science of physics.

2 After you survive that cut, then Dr. Jaslow  
3 will then send your application to GW for their  
4 revisement (sic) -- revisement (sic). And then GW  
5 will make a cut. And they will either tell you that  
6 they have cut you or they will tell you that you  
7 have an invitation to go and give an interview at  
8 the school itself.

9 So I survived all the cuts and I -- when I  
10 was accepted I signed a contract and you have to  
11 maintain your GPA above a 3.6 or above, and you  
12 couldn't make anything lower than a B minus in any  
13 of your science classes. And they just wanted you  
14 to continue, you know, exploring your different  
15 areas.

16 The whole point of the early admissions  
17 program is that you get the opportunity to explore  
18 diverse areas that might help you in medicine or  
19 just cultivate you -- cultivate your interest before  
20 you get to medical school.

21 **Q.** How does this admissions process differ from  
22 the normal medical school admissions process that  
23 you would go through if you were applying to GW as a  
24 normal general applications student?

25 **A.** So the major difference is that I didn't have

1 to take the MCAT, but normal people who have to  
2 apply have to take the MCAT, which is the medical  
3 college admissions test.

4 I would have had to have taken this test my  
5 junior or maybe senior year at Rhodes in order to  
6 qualify for first -- it's called first -- yeah,  
7 primary application and then there's a secondary  
8 application phase for med school. And I'm sure  
9 there may be a third step within your interviews and  
10 they just goes on and on. I haven't looked into it  
11 because I didn't think that I had to since I was  
12 already admitted to medical school.

13 **Q.** All right. Now what, if any, factor did this  
14 program at Rhodes, this early admissions program,  
15 play in your decision to attend Rhodes College?

16 **A.** This was one of the most important factors  
17 for attending Rhodes College.

18 When I was a junior at Lakeside High School  
19 in Atlanta, Georgia where I grew up, I went with my  
20 mom on a trip or I came with my mom on a trip to  
21 Memphis and we visited the college.

22 And at first I was really tentative because  
23 it was pretty far away from Atlanta, it was about  
24 six hours of a drive. And I like my home, so I was  
25 pretty tentative about that, but once I got to the

1 school the people were just so kind.

2 And one of the first people that I met at  
3 Rhodes was my adviser, Dr. Gerecke in the  
4 neuroscience department and she told me about GWU  
5 and she referred me to Dr. Jaslow who told me more  
6 about GWU.

7 And before I had come to Rhodes for that  
8 first visit, I was really tentative about med  
9 school, but after hearing about the GW Program, I  
10 looked more into it when I got home. I researched  
11 George Washington as a school and I just fell in  
12 love. And I said, yeah, I have a year and a half  
13 left before I go to college, this is the school I  
14 want because I want that program.

15 Q. Now, Ms. Bose, when did you first become  
16 acquainted with the defendant doctor Robert de la  
17 Salud Bea?

18 A. January 14th of 2015.

19 MR. TIMMONS: And, Your Honor, I will be  
20 refer to him as a Dr. Bea for the rest of the  
21 proceeding.

22 THE COURT: All right.

23 BY MR. TIMMONS:

24 Q. And in what context did you become acquainted  
25 with him?

1     **A.**       Dr. Bea was my Organic Chemistry I professor  
2     for the spring semester of 2015.

3     **Q.**       Now in the spring semester of 2015, what, if  
4     any, events took place that prompted you to have  
5     more than usual contact with Dr. Bea?

6     **A.**       On January 31st I was in a massive car  
7     accident. It -- my car was hit by two semis  
8     briefly, we were hit by behind from the second semi,  
9     I was badly injured and I sustained a really bad  
10    concussion. So I was out of school for the first  
11    week and three days of February.

12    **Q.**       And then what did the school do as a result  
13    of that?

14    **A.**       So when I discovered that on -- it was  
15    February 1st that I woke up in the morning, and I  
16    was dizzy and I couldn't see anything.

17            So my roommate, she took me to the athletic  
18    facility to see a trainer. And they had me take a  
19    concussion test. And I had a pretty bad one. So  
20    they put me -- they sent me to disability services  
21    at Rhodes, which works with a lot of other students  
22    for many different problems, such as ADD.

23            And after I talked to Ms. Butler, who is the  
24    head of disabilities services, I was put on a  
25    concussion protocol which stated two things: That I

1 needed extended time on all of my quizzes and tests  
2 in every class that I was taking, and that I was  
3 given isolated testing environment to minimize noise  
4 with low lighting and anything to help my concussion  
5 recede faster.

6 **Q.** So relating specifically to Dr. Bea, how did  
7 Dr. Bea go about complying with that concussion  
8 protocol?

9 **A.** He was very compliant. I gave him the letter  
10 from Ms. Butler that it was signed, he signed it,  
11 and he kept it so he would always give me isolated  
12 testing environment along with other students.

13 **Q.** What isolated testing environment?

14 **A.** I always did it in his office. And that was  
15 the only environment I tested in until the  
16 concussion protocol expired and then I took them all  
17 in the classroom.

18 **Q.** As a result of that concussion, the absences  
19 and the concussion protocol, did you have any  
20 additional contact with Dr. Bea in the spring of  
21 2015?

22 **MS. KRUPICKA:** Objection, hearsay.

23 **BY MR. TIMMONS:**

24 **Q.** Did you have --

25 **MR. TIMMONS:** I will rephrase.

1                   **THE COURT:** Rephrase it.

2                   **BY MR. TIMMONS:**

3                   **Q.**       Did you have more contact with Dr. Bea in the  
4                   spring of 2015 than you would have had absence that  
5                   concussion protocol?

6                   **A.**       I do believe that the concussion protocol,  
7                   given the environment that it put me in to take  
8                   tests, prompted me to speak to him more.

9                   I had never spoken to him the months before  
10                  that car accident, so I didn't really know him very  
11                  well. And I was kind of tentative to ask questions.

12                  But he was so nice about letting me really  
13                  take my time to get back into things. And he told  
14                  me, he said, well, if you need extra help, come by  
15                  after class. If you need anything at all, just tell  
16                  me and I will provide it for you.

17                  **Q.**       How would you describe your relationship with  
18                  Dr. Bea from that point onward in the spring of  
19                  2015?

20                  **A.**       I would describe it as very professional  
21                  except for the few instances when he would mention  
22                  things to me. There was one instance in April of  
23                  2015 where he told me he didn't have a girlfriend  
24                  and that he wasn't married.

25                  And there was another instance where we were



1 working on practice problems, I always went to him  
2 with practice problems because he put them on  
3 Moodle, which is our teacher/student network. And  
4 the practice problems were intended to help us get  
5 ready for the quizzes or the exams that were coming  
6 up.

7           So I would always do them and then go to him  
8 and ask him questions about all the ones that I  
9 didn't understand or didn't complete. And so during  
10 those times is the only time where he and I would be  
11 alone and he would say stuff like that. By stuff  
12 like that, I mean, he would tell me that he was --  
13 he didn't have a girlfriend. One time he told me  
14 that he liked cats and another time he told me that  
15 he didn't like to fly on planes, that he was scared  
16 of them.

17 **Q.**       Now did you consider at that time any of  
18 those statements to be inappropriate in any way?

19 **A.**       I thought they were kind of weird given the  
20 context of why I went to the office to talk to him,  
21 but I dismissed it as just small talk, filling  
22 space.

23 **Q.**       Now how did you do in the Organic Chemistry I  
24 class that you took the spring of 2015?

25 **A.**       I received an A minus.

1 Q. An A minus.

2 MR. TIMMONS: Your Honor, pardon my  
3 coughing, I've been laid up for the last week.

4 And I would love to thank Ms. Krupicka for  
5 her gracious extensions of time.

6 BY MR. TIMMONS:

7 Q. Now in the summer of 2015, during the break,  
8 did you have any interactions with Dr. Bea?

9 A. Yes. In late July of 2015 Dr. Bea approached  
10 me in the parking lot in front of the Bellingrath  
11 Residence Hall at Rhodes College.

12 Q. Okay. Can you describe the nature of that  
13 interaction with Dr. Bea?

14 A. The nature of the interaction was that I  
15 heard my name, so I turned around and I saw Dr. Bea  
16 approaching me from behind. So I stopped to wait  
17 for him since he was coming towards me. And then I  
18 realized he was not stopping coming towards me. So  
19 I just took a step back and we were about an arm's  
20 length from each other, and he stopped when I  
21 stepped back.

22 Q. Okay. What did -- what happened next?

23 A. Well, we just started to talk. He said, hi,  
24 it's really good to see you, I'm excited about  
25 having you in class for the fall semester, it will

1 be really fun.

2 And then I asked him, well, what are you  
3 doing here for the summer, are you doing research,  
4 because most of our professors do research over the  
5 summer. And that's when he told me that he was up  
6 for tenure or working on his tenure package to be  
7 reviewed for tenure. And that he was also doing  
8 research as well.

9 So we talked about that for a little, and I  
10 told him that the reason that I was in Memphis was  
11 because I was here for an internship.

12 And then the conversations took a sudden  
13 turn, there was really no segway for the way the  
14 conversation went, it just started with, so how do  
15 you spend your evenings. It just threw me off. And  
16 I didn't know really how to respond, so I said,  
17 well, I play tennis.

18 And then the questions just kept leading  
19 towards so where do you like to go in Memphis, do  
20 you like Memphis, do you get to hangout with your  
21 friends. And then he said, do you get to hangout  
22 with your boyfriend. And at this point I stopped,  
23 and I felt so uncomfortable. I didn't understand  
24 where the idea of a boyfriend even came from because  
25 I had never mentioned that to him. And it was just

1 such a difference from all the other conversations  
2 that we had had prior because they were always  
3 about, so what are your academic aspirations, what  
4 do you like to do, what are you majoring in, stuff I  
5 think that normal professors ask students that  
6 didn't seem out of place to me.

7 But when he asked me about my boyfriend, I  
8 just didn't get it. So I didn't answer it. And I  
9 told him that I had to leave because I was on my way  
10 to a friend's house, and that I would see him in  
11 class in August.

12 And so I was about to turn and leave, and he  
13 reached out his hand to me. So I stepped away again  
14 and I stopped. And he said, wait, so what are you  
15 doing. And I asked what do you mean. He goes,  
16 well, I meant, you know, would you like to go out to  
17 dinner with me just to catch up. And I said, no, I  
18 don't, but thank you. I -- I just tried to get out  
19 of there as fast as possible after that. It sounded  
20 like he was asking me out on a date and that did not  
21 make me comfortable.

22 So the minute that I got back into my car, I  
23 called my mom and I told her. And I said, I don't  
24 know if I'm taking this the wrong way, but this is  
25 what happened. So I told her, and then she told me,

1 you know, be professional, you don't -- some people  
2 just don't know how to have like small talk. So I  
3 said, okay, yeah, I can be professional. And that's  
4 what I did.

5 So I went to my friend Chelsea's house. And  
6 I asked her, because she's my age, so I figured,  
7 okay, am I taking this the wrong way, I want to get  
8 a second opinion, I don't want to make a mistake, so  
9 she said the same thing my mom said.

10 **MS. KRUPICKA:** Objection, Your Honor,  
11 hearsay.

12 **THE COURT:** Okay.

13 **MR. TIMMONS:** I'm certainly not offering  
14 what Chelsea Dezfuli said for the matter asserted  
15 therein. I -- I honestly didn't even hear what she  
16 said because of Ms. Krupicka's objection.

17 **THE COURT:** I will allow it, but try to  
18 stay away from the hearsay type.

19 **MR. TIMMONS:** Certainly. I -- I -- I  
20 wasn't asking about it.

21 And, you know, please try not to tell me  
22 what Chelsea said.

23 **THE WITNESS:** Okay. I apologize Your  
24 Honor.

25

1                   **MR. TIMMONS:** All right.

2                   **BY MR. TIMMONS:**

3                   **Q.** All right. Ms. Bose, from that incident in  
4 July of 2015 until, let's say November of 2015, what  
5 were your interactions with Dr. Bose (sic) like?

6                   **A.** Dr. Bose?

7                   **Q.** I'm sorry, Dr. Bea. Dr. Bose is your father.

8                   **A.** Yes.

9                   **Q.** What were your actions with Dr. Bea like from  
10 July 2015, after that incident, until, say, November  
11 of 2015?

12                  **A.** Well, I was -- I was very timid. I didn't  
13 put myself in a position where I would be alone with  
14 him again.

15                  **Q.** Okay. When you say you didn't put yourself  
16 in that position, did you continue to go to office  
17 hours with him?

18                  **A.** Not by myself.

19                  **Q.** Okay. When you say "not by yourself," what  
20 did you do, what steps did you take to avoid being  
21 alone with him, if any?

22                  **A.** Well, I took my friends with me, or, if I had  
23 questions, I told them what my questions were and if  
24 they didn't understand it, they'd go and get the  
25 information for me.

1 Q. Okay. Now from -- what other organic  
2 chemistry related courses were you taking in the  
3 fall semester of 2015?

4 A. So the fall semester of 2015 was the second  
5 unit, organic chemistry, so I took Orgo I first  
6 semester of 2015 and then the fall semester of 2015  
7 I took Organic Chemistry II. Organic Chemistry II  
8 at Rhodes combines what would have been Orgo I Lab  
9 and Orgo II Lab, so it is a two credit class called  
10 Orgo II Lab.

11 Q. So who taught the Organic -- who -- who  
12 taught the lecture portion of the Organic Chemistry  
13 II course?

14 A. It would be Dr. Kimberly Brien.

15 Q. The lecture portion?

16 A. Oh, I thought you said of the lab course.  
17 The lecture portion was Dr. Bea.

18 Q. Okay. And Dr. Brian then taught the lab  
19 portion, is that what your testimony --

20 A. Yes.

21 Q. -- was intended to be?

22 A. Yes. Sorry.

23 Q. Okay. Now was Dr. Bea in any way associated  
24 with the Organic Chemistry II Lab course?

25 A. He had his own section on Fridays we went

1 for.

2 Q. Your lab course I'm asking about?

3 A. No.

4 Q. Okay. He didn't -- it wasn't a teacher for  
5 that course in any way?

6 A. No.

7 Q. All right. Did Dr. Bea -- did you have any  
8 interactions with Dr. Bea during your Organic  
9 Chemistry II Lab course?

10 A. Yes, almost every week.

11 Q. Can you describe those interactions with  
12 Dr. Bea, the frequency and when they took place?

13 A. Organic II Lab at Rhodes is once a week.  
14 Most labs are once a week. He -- course starts the  
15 second week of school to give students a chance to  
16 acclimate.

17 So every week Dr. Bea started coming to my  
18 lab session. And he would walk in the lab, talk to  
19 the teacher, walk around a little bit, but he would  
20 always come to me and talk to me.

21 Q. Okay. Did he talk to other students?

22 A. Only if they asked him a question, from what  
23 I could tell.

24 Q. Did you initiate these conversations with  
25 Dr. Bea?



1     **A.**       No. Most of it didn't even see him  
2     approaching me, he would often because the -- if my  
3     lab desk or portion of the lab desk is right here,  
4     then the relativity of the door would be right  
5     there. So I was not looking at the door so I  
6     wouldn't see him coming towards me as long as he  
7     came around.

8     **Q.**       So he would then initiate these  
9     conversations?

10    **A.**       Always.

11    **Q.**       Okay. To your knowledge did Dr. Bea have any  
12    legitimate pedagogical reason, legitimate  
13    educational reason to be present there in your lab?

14               **MS. KRUPICKA:** Objection, Your Honor.

15    This witness is not qualified to answer that  
16    question?

17               **THE COURT:** You have to lay a better  
18    foundation for that.

19               Sustained.

20    **BY MR. TIMMONS:**

21    **Q.**       Did Dr. Bea -- well -- let me just ask you  
22    this, what did Dr. Bea talk to you about?

23    **A.**       Well, he would come and say, hi, like usual  
24    and ask me what I was doing, I was doing the lab, so  
25    I would say, oh, well, I'm at this step of the

1 experiment, this is where I'm stuck, if I was stuck,  
2 or this is what I'm about to do.

3 And then I would just keep on doing my work.  
4 And he would look at my experiment. And then, if I  
5 was doing something wrong, he would tell me what I  
6 was doing wrong and how to fix it, or if I had  
7 skipped a step and I said the wrong thing to him, he  
8 would fix it for me.

9 And often times if I told him, Dr. Bea, I  
10 don't need help, but thank you right now, and he  
11 would say, oh, but you really need to do this. And  
12 he would just do it.

13 Q. Did Dr. Bea ever talk to you about anything  
14 not related to organic chemistry in those labs?

15 A. Yes. He --

16 Q. Okay. Can you describe that?

17 A. Well, it's simply personal questions like,  
18 you know, how is your day going, what are you up to  
19 tonight, just really interested in what I did after  
20 lab, how I conducted my extracurricular activities.

21 I already established in my mind from July  
22 that I didn't want to talk to him about stuff like  
23 that. So anytime he would mention anything other  
24 than school, I would immediately become  
25 uncomfortable so I didn't know if it was to lead to

1 him asking me about my boyfriend again or him asking  
2 me something even more intimate like, you know,  
3 where do you see yourself marriage-wise or I don't  
4 know, I mean, imagination can do anything. I  
5 didn't -- I wanted to prevent any topic like that  
6 from coming up again.

7 **Q.** When he asked you about personal matters, was  
8 there ever any incident when you or what, if any,  
9 incident ever was there when you asked him to stop?

10 **A.** Yes.

11 **Q.** Okay. Can you describe that incident?

12 **A.** There's one day very early on in September, I  
13 think it was September 14th, it was a Monday, it was  
14 right before fall break, and he came in, and I was  
15 just really struggling with this experiment. I kept  
16 messing up. And when you mess up in Orgo you have  
17 to start all over again, it just takes forever. So  
18 I was getting really frustrated, but I like to do  
19 things on my own.

20 So I was reworking it from the beginning  
21 because I had already messed up twice, and he came  
22 up to me and I told him, I said, Dr. Bea, I really  
23 cannot talk right now, I have to focus on this  
24 titration, it's not working for me, could I talk to  
25 you later, sorry, I just can't talk to you right

1 now. And he was really persistent, he leaned on my  
2 table and he goes, oh, let me help you. I said,  
3 I -- I really don't need your help, I want to do  
4 this on my own, I have to learn that.

5 So he just kept coming closer. And so I  
6 backed away and, I said, Dr. Bea, stop, I am going  
7 to do this on my own. I'm fine, I promise, if I  
8 need help I will go ask Dr. Brien.

9 And so he backed away and he said, okay, I  
10 really need to talk to you, can you come see me  
11 after class.

12 **Q.** Okay. Did you go see him after class?

13 **A.** Well, he was waiting outside the door, so I  
14 didn't really have a choice because he was waiting  
15 there.

16 **Q.** Okay. And what did he talk to you about?

17 **A.** So I went to his office, and I sat across  
18 from his chair, we were across the desk from each  
19 other. So I sat across from him, and I said, so  
20 Dr. Bea, what's up, how can I help you.

21 And he told me, you know, I've been thinking  
22 about this for a while, I'm wondering if you have  
23 any publishing experience. So I said, publishing,  
24 I -- like what do you mean, for research. And he  
25 said, yeah, have you ever done research before, have

1 you ever written a paper before. And I said, I told  
2 him what little publishing experience I had, what I  
3 had done in high school. And that ranged from  
4 English to history.

5 So, but I told him what I had done. And then  
6 I thought that would be the end of it. And he asked  
7 me, he said, well, you know, if you need help  
8 getting publishing experience or having research  
9 experience, it will look really good for med school,  
10 so I can help you with that. If you want to do  
11 research with me, that would be perfectly fine, I  
12 would like that.

13 And I didn't want to do it with him because  
14 that meant more time outside of school with him and  
15 it would be in a closed space, it was not good.

16 And so I told him thank you for the offer,  
17 but no, thank you, I don't think I have the time to  
18 take on a research experiment with my course load  
19 this semester, but it was very kind of him.

20 And I got up and I said, well, I will see you  
21 in class tomorrow or on Wednesday, and he said,  
22 wait, wait, wait, I have more questions for you.

23 So I sat back down and I said, okay, is it  
24 about research. And he said, no, I was just  
25 wondering because you're Indian, and I have a lot of

1 Indian friends, like, where are you from in India.

2 I said, well, India, I'm from the north.

3 And he goes where -- where exactly are you  
4 from. And he's very persistent, he wanted to know  
5 about my family. And I said, look, I'm an American,  
6 I live here. My family is all over the place, I'm  
7 pretty mixed.

8 So he asked me about my family in Atlanta and  
9 how I liked my family, what we did, did we get to --  
10 did I get to go home often. And so I just didn't --  
11 he asked a lot of questions on a row so I didn't  
12 catch all of them, but I didn't really answer them  
13 either. And I told him, I said, look, Dr. Bea, I  
14 have to go. And he goes, well, I'm just really, you  
15 know, interested. So what do you like to do, are  
16 you in a sorority. I said, Dr. Bea, I have to go, I  
17 have -- I have a meeting I need to get to. And he  
18 goes, I just want to make sure that you're being  
19 safe. Like, if you party, I just need to know. I  
20 said, well, I'm sorry, I have to go.

21 So I got up to leave, and that wasn't good  
22 enough for him. So he got up and he said, I will go  
23 with you, I will take you outside and we can talk  
24 some more. So he walked me outside and I said,  
25 okay, well, I'm going this direction, so I'll see

1 you later, I'll see you in class. And he said, oh,  
2 are you sure, I will walk you to class -- I mean,  
3 walk you to the meeting. And I said, no, you don't  
4 need to do that. Look, I need to call my dad. I  
5 just -- at that point I said, I just said anything  
6 to make an excuse to getaway from him. Because  
7 walking me outside of the building was unnecessary,  
8 asking me those questions was unnecessary.

9 I remembered what my mom said about being  
10 professional and that just didn't seem professional  
11 to me.

12 So I drew that line and I said no, and I  
13 walked away. And then he followed me for a little  
14 bit, and by a little bit, I mean, like just a few  
15 feet, took a few steps forward. And I immediately  
16 got on the phone and I called my dad. And then my  
17 dad and I just had a conversation as I was walking  
18 away, and I basically just said to my dad, hey,  
19 what's up, how are you, talk to me, I'm bored, I  
20 just need to talk to somebody right now. And so we  
21 had a little bit of a conversation, but I didn't  
22 bring any of this up except for that Dr. Bea asked  
23 me about research. And my dad said --

24 **MS. KRUPICKA:** Objection, hearsay.

25 **A.** Oh, sorry, sorry.

1 **BY MR. TIMMONS:**

2 **Q.** Don't tell -- don't tell me --

3 **A.** I apologize.

4 **Q.** -- what anybody else said.

5 **A.** And so I talked to my dad. And then I called  
6 my mom after that, and I was sitting outside the  
7 steps of Palmer Hall, which is an English hall and  
8 just called my mom and I told her exactly what  
9 happened because I told her about the incident in  
10 July. So that -- that was the end of that.

11 **Q.** Did you discuss that incident with anybody  
12 besides your mother?

13 **A.** No.

14 **Q.** Now was there an incident in November of 2015  
15 that caused you particular concern?

16 **A.** On November 19th I was sitting in the Rat  
17 with Chelsea Dezfuli. We were waiting for one of my  
18 friends to come and eat lunch.

19 **Q.** Can you explain -- say what the Rat is?

20 **A.** Oh, my apologies.

21 The Rat is the Refectory, the cafeteria at  
22 Rhodes, we call it the Rat.

23 **Q.** Okay. So you were sitting in the Refectory  
24 at Rhodes Chelsea Dezfuli waiting on another friend,  
25 and then what happened?



1     **A.**       So I was sitting with my back turned towards  
2     her, but she was sitting -- she was -- she was  
3     proximated towards the door of the Rat, and I was  
4     proximated this way, so kind of right-angled, and we  
5     were both looking at our phones. And Dr. Bea  
6     walked -- I don't know how he reached me, but he  
7     came from behind me. And he leaned over my  
8     shoulder. And he was this far (indicating) from me,  
9     so about three inches and he put his head there and  
10    he looked at my phone and he asked me very sternly  
11    are you texting your boyfriend. I didn't take it as  
12    a joke. Because I didn't see him coming I was  
13    startled and I jumped and I looked at him, and I  
14    didn't say anything. I gaped at him basically. And  
15    he just smiled and walked away. And I turned around  
16    and Chelsea and I talked about it and I told her  
17    that I felt this was -- this was not good, he was  
18    getting way to close to me. And she encouraged me  
19    to go and report it.

20               **MS. KRUPICKA:** Objection, hearsay again.

21     **BY MR. TIMMONS:**

22     **Q.**       Don't -- don't tell me what Chelsea told you  
23     to do.

24     **A.**       Sorry.

25     **Q.**       You can tell me what you said, but don't tell

1 me what Chelsea said?

2 **A.** So I said I felt uncomfortable. And then  
3 I -- I decided that it was time to do something  
4 about it. So one our other friend came, I stepped  
5 aside and I called my mother and I told her what  
6 happened again. And after talking to my mom I went  
7 and ate lunch. And then we, Chelsea and I, we were  
8 walking outside, and I saw Dr. Bea outside the  
9 Kennedy Hall, which is the chemistry building at  
10 Rhodes, so I thought that was a pretty good time to  
11 go catch him because the incident just happened.  
12 And I figured if I told him that his -- that I was  
13 perceiving him to make advances on me and that I was  
14 getting really uncomfortable with the questions he  
15 was asking me. And that he was always around when I  
16 was in class for a lab, then it would stop, I hadn't  
17 told him before, I hadn't really addressed it with  
18 him, so I wanted to say it to him first before I did  
19 anything else.

20 So I approached him and Chelsea stayed behind  
21 me, like, I could see her, so I felt very  
22 comfortable going up to him and telling him, and so  
23 I walked up to Dr. Bea, hey, Dr. Bea, can I talk to  
24 you for a second. And he turned around and he was  
25 very happy to see me, it seemed like, so he said,

1 hey, Prianka, like whatever you need, what's going  
2 on. And I said, look, Dr. Bea, I don't know if you  
3 mean it this way, but I feel really uncomfortable  
4 when you ask me questions about my boyfriend, when  
5 you ask me anything about my family, I don't want  
6 personal questions, I want to keep our relationship  
7 strictly professional.

8 And his reaction was just so opposite of what  
9 I thought he was going to -- I thought he was just  
10 going to say, you know, I'm so sorry, like that's  
11 not what I meant, I'm your professor, I didn't mean  
12 to make you feel uncomfortable. I got nothing. I  
13 got no comment. He just looked at the ground and he  
14 walked away. And I just, I knew -- I knew it didn't  
15 go well.

16 So I walked back to Chelsea and I told her, I  
17 said, that didn't go well, I don't know what to do  
18 now.

19 **Q.** So that was November 19th.

20 How many -- on November 20th did you have  
21 another class with Dr. Bea?

22 **A.** On November 20th, it's Monday, Wednesdays and  
23 Fridays are Orgo II I think, Orgo II. And on  
24 Friday, November 20th, I had a test.

25 **Q.** Okay. Did you have any interaction with

1 Dr. Bea on the 20th?

2 **A.** I woke up with a hundred and two fever. I  
3 wasn't planning on taking the test early, but I  
4 didn't want to keep coughing because it's so  
5 disrupting for everybody else.

6 So I went to his class and I told him, I  
7 said, I went -- sorry -- I went to his office and I  
8 said, can I please take the test early, I went very  
9 early, it was like 7:30.

10 And so I started taking the exam, but usually  
11 when I go to his office to take an exam or a quiz,  
12 he usually engages me in conversation, like, he asks  
13 me, how are you, are you prepared for the test, do  
14 you have any last minute questions, I can help you  
15 with them. He didn't say anything to me, he just  
16 printed it out and tossed it on the desk, he didn't  
17 say anything.

18 And so I started taking my exam like I always  
19 do. And he was in there for 30 minutes with me, and  
20 then I continued taking the exam after he left.

21 **Q.** Did his behavior to you seem unusual?

22 **A.** It did because he usually talks to me.  
23 Usually when I take an exam or a quiz he's talking  
24 to me during the whole thing, it's really  
25 disruptive. The last time he didn't talk to me at

1 all, he treated me like I wasn't even there.

2 Q. On the subsequent Monday, you said that was  
3 on a Friday, on the subsequent Monday, the 23rd, did  
4 you have another class with Dr. Bea?

5 A. Yes.

6 Q. Okay. How would you describe Dr. Bea's  
7 conduct towards you in that class?

8 A. Chelsea and I were doing practice problems  
9 over the weekend. So there were a few we didn't  
10 understand. And we were just starting a new unit  
11 right before the final exam, so we finished the  
12 practice problems and I had questions.

13 So we always go to class early and sit there  
14 and wait for him on Tuesdays. So I waited for him  
15 to come. And he was writing the beginning of the  
16 lesson on the board. So while he was doing that, I  
17 walked up to the board and said, hey, Dr. Bea, I  
18 have a few questions for you about the practice  
19 problems. And he didn't respond. He didn't even  
20 look at me. So I asked again a little louder and he  
21 still didn't respond at all. And I was pretty sure  
22 he heard me, but I wasn't getting any response, so I  
23 asked again. And after that, the third time, he  
24 looked at me and he shrugged his shoulders, and that  
25 was -- that was it. He didn't answer the questions.

1           So I went back and I told Chelsea that he  
2 didn't know the answer.

3   **Q.**       Now did that seem unusual to you?

4   **A.**       Yes. I always take practice problems to him  
5 and he's never shrugged his shoulders at me when I  
6 asked the questions.

7   **Q.**       All right. Did you decide to or, rather,  
8 what, if anything, did you decide to do as a result  
9 of Dr. Bea's conduct?

10   **A.**       I felt that his new attitude towards me  
11 stemmed from the fact that I talked to him and  
12 maybe --

13           **MS. KRUPICKA:** Objection, Your Honor, pure  
14 speculation, it's irrelevant.

15           **MR. TIMMONS:** Your Honor, she's testifying  
16 as to why she did something.

17           **THE COURT:** I will allow it.

18           Go ahead.

19   **A.**       So I felt very uneasy and I wanted to make  
20 sure that there wasn't anything off, that I was  
21 still a student and that he wanted to teach me.

22           So I went to his office after class, and I  
23 walked in and I said, Dr. Bea, can I talk to you.  
24 And he didn't look at me, he was on his computer.  
25 And so I sat down and I said it again, Dr. Bea, can

1 I please talk to you, I really need to talk to you.

2 And he didn't look at me.

3           So I just went ahead and said what I needed  
4 to say. And what I said was, look, since Friday I  
5 don't know what's happened, but it doesn't seem like  
6 you want to teach me anymore, it doesn't seem like  
7 you want to answer my questions, so it's not like  
8 I'm going to report you, I just want to continue  
9 learning, so can you just answer my questions. And  
10 he didn't respond, so I left.

11 **Q.** Right.

12           After that what, if any, interactions did you  
13 have with Dr. Bea?

14 **A.** After that I had been traveling over the  
15 holidays, so when I came back, we had a quiz and a  
16 final to prepare for, this would be the first week  
17 of December.

18           On November 30th, the last day in November,  
19 on -- it was a Monday, and I had already been  
20 studying over the break, so I had questions, but my  
21 problem was I had lost all my tests and my quizzes  
22 before the break even began. So I didn't have any  
23 of my study materials with me and I needed extra  
24 practice problems, and I had already done all the  
25 other practice problems, and Dr. Bea was the only

1 person I thought could give me practice problems  
2 that would best prepare me for the final. Which is,  
3 the final in chemistry is a standardized final,  
4 everyone takes that at all the schools.

5           So it was something I was pretty nervous  
6 about and I wanted to make sure I got in as much  
7 practice as I possibly could. So I went to Dr. Bea,  
8 just like I did on November 23rd, I was waiting for  
9 him in class. And when he came to class, he started  
10 writing on the board, I walked up to him and I said,  
11 Dr. Bea, I lost my testing quizzes over the break,  
12 do you have anything that I could study with to  
13 replace them, any old tests or quizzes, any new  
14 practice problems, is there anything that you have.  
15 And he didn't respond at first. And so I was about  
16 to walk away, but before I walked away, he said,  
17 just see me -- come about five minutes after class  
18 ends and I will find something for you.

19           So I got a little happy at that, I said,  
20 okay, new practice problems. And then I went around  
21 five minutes after class and he just -- he was on  
22 his computer. And when I waked in, I said, hey,  
23 Dr. Bea, can I have those practice problems that you  
24 found. And he pointed to a stack of papers and he  
25 said take what you want. And that was the only



1 conversation we had at that time. I took what I  
2 needed and I left.

3 Q. All right. Now about what date was this?

4 A. The last day of November.

5 Q. November 30th?

6 A. Yes.

7 Q. Okay. All right. Now I'm going to show you  
8 a document.

9 Can you identify that document for me?

10 A. This is the letter I received on December  
11 4th, it was the day before my sister's birthday. He  
12 told me that I was suspected of cheating.

13 Q. Okay. Was this the first notice that you  
14 received that you had been accused of cheating?

15 A. Yes.

16 MR. TIMMONS: All right. Your Honor, I  
17 would like to make that the first exhibit.

18 THE COURT: Any objection?

19 Have you seen it?

20 MS. KRUPICKA: No, no objection.

21 THE COURT: All right. We will go ahead  
22 and receive the document that has been identified,  
23 it will be Exhibit Number 1 to the hearing.

24 MR. TIMMONS: Right.

25 (Exhibit Number 1 was marked; Description:

1 Letter.)

2 **BY MR. TIMMONS:**

3 **Q.** Now, Ms. Bose, I will try and make sure that  
4 I can get the entire body of the letter here.

5 Other than the body of the letter that is  
6 visible to you right now, did you receive anymore  
7 detailed comment from anyone on the Honor Council or  
8 anybody in the school administration about the basis  
9 for the allegation that you were accused of  
10 cheating?

11 **A.** Within an hour of reading this letter, I read  
12 this letter when I got into the car, because I just  
13 surprised my little sister at our old high school  
14 because I drove all the way from Memphis to Atlanta  
15 to surprise her for her 16th birthday because I  
16 missed it the last two years, so I read this e-mail  
17 before I drove her back home.

18 And I -- within an hour or two of reading  
19 this letter, I called President Adolph, and I asked  
20 her about it, but she's the president so she can't  
21 give me any details.

22 And then I called Mr. Trychta my peer who is  
23 stated to be the investigator in this case.

24 **THE COURT:** What was his name?

25 **THE WITNESS:** Mitch Trychta.

1                   **THE COURT:** Trychta.

2                   **THE WITNESS:** T-r-y-c-h-t-a.

3 **BY MR. TIMMONS:**

4 **Q.** And is that the gentlemen referenced here at  
5 the beginning of the second paragraph of the letter?

6 **A.** Yes.

7 **Q.** Okay. And who is Mitch Trychta?

8 **A.** He's a junior biology major at Rhodes.

9 **Q.** Okay. So he's student at Rhodes?

10 **A.** Yes.

11 **Q.** Not a member of the administration?

12 **A.** No, no, I had no contact with the  
13 administration.

14                   The next person I talked to was Dr. Bea after  
15 talking to Mitch and Regan. And -- but that was on  
16 Monday -- 5th, 6th -- December 7th, Dr. Bea -- that  
17 was the last time I talked to Dr. Bea before the  
18 Honor Council hearing.

19                   And I never had any contact with  
20 administration until Dean Blaisdell saw me after my  
21 second meeting with Mitch.

22 **Q.** Okay. Now in addition to this statement,  
23 specifically it's alleged that you cheated on  
24 multiple assignments in Organic Chemistry II  
25 Lecture.

1 Did anybody provide you the specifics of the  
2 allegations against you.

3 **A.** On December 4th?

4 **Q.** On December -- between this letter and the  
5 meeting that you had with Mitch Trychta, did you  
6 ever get anything in writing, let me rephrase this?

7 **A.** No. No. I -- the only thing I have is what  
8 you're reading right now is I was suspected of  
9 cheating on multiple assignments in my Organic  
10 Chemistry II Lecture, and I was accused by my  
11 professor.

12 **Q.** Right.

13 I'm going to show you another document and  
14 ask you to identify it.

15 **THE COURT:** Why don't you pass it to her  
16 and get her to identify it --

17 **MR. TIMMONS:** Certainly.

18 **THE COURT:** -- before you put it on the --

19 **MR. TIMMONS:** Certainly.

20 May I approach, Your Honor.

21 **THE COURT:** Sure, go ahead.

22 **MR. TIMMONS:** Thank you.

23 **BY MR. TIMMONS:**

24 **Q.** Can you identify that document, please?

25 **A.** Oh, this is the document that I provided my

1 investigator with in order to provide witnesses for  
2 my hearing.

3 Q. Okay. Now did this document -- was that  
4 generated before or after your meeting with Mitch  
5 Trychta?

6 A. This was a week after my meeting with Mitch.

7 Q. All right.

8 MR. TIMMONS: Your Honor, I would like to  
9 make that Exhibit 2.

10 THE COURT: I'm assuming all the documents  
11 the other side has seen?

12 MR. TIMMONS: Yes --

13 MS. KRUPICKA: I haven't seen it, Your  
14 Honor.

15 MR. TIMMONS: -- I will be happy to  
16 provide copies, Your Honor.

17 MS. KRUPICKA: We have no objection, Your  
18 Honor.

19 THE COURT: All right. Then we will go  
20 ahead and receive the document.

21 I need to know what it's entitled, what is  
22 it?

23 MR. TIMMONS: Your Honor, this is the --  
24 an e-mail from Regan Adolph, R-e-g-a-n A-d-o-l-p-h,  
25 December 13th, 2015.

1 (Exhibit Number 2 was marked; Description:  
2 E-mail.)

3 **BY MR. TIMMONS:**

4 **Q.** Before I get into that e-mail, in your  
5 meetings with Mitch Trychta, what, if any,  
6 information were you provided about the specifics of  
7 the allegations against you?

8 **A.** In my first meeting with Mitch he told me a  
9 very vague description of what I was being accused  
10 of. He said that -- well, I'm sorry, that's  
11 hearsay.

12 **Q.** That's fine, I'm not asking for the truth of  
13 the matter asserted therein, I'm asking what  
14 information you were provided, so I'm not calling --  
15 not asking for hearsay.

16 **MS. KRUPICKA:** Your Honor, I think that's  
17 still hearsay, but I have no objection.

18 **A.** I don't know how to tell the information  
19 without saying how he told me.

20 **Q.** She is not objecting, go ahead and answer.

21 **THE COURT:** Go ahead and answer.

22 **A.** Okay. What I was told was that Dr. Bea had  
23 suspected me of cheating and then he still needed  
24 hard evidence against me and that he had finally  
25 gotten hard evidence against me, so that's why I was

1 being interviewed, like that's why I was talking to  
2 the investigator, that's how the beginning of the  
3 conversation went.

4 And so my responding questions were, well,  
5 what does hard evidence entail, is it videotapes, is  
6 it photos, is it physically watching me cheat, I  
7 don't understand what that means. And Mitch said,  
8 well, we will get more into that later. We never  
9 got into that at that time.

10 Q. Okay. You said you had another meeting with  
11 Mitch Trychta, correct?

12 A. Right.

13 Q. Okay. Did you get into the specifics of the  
14 allegations of cheating or the evidence against you  
15 at that meeting with Mr. Trychta?

16 A. The only evidence presented to me at that  
17 meeting was my own quiz. So Mr. Trychta put my quiz  
18 in front of me and asked me to identify it. And  
19 then he asked me how I felt about the quiz. And so  
20 I went through the quiz with him and told him why I  
21 put down what I put down.

22 And then we had a break. And he came back  
23 and he gave me my quiz again and then he put what  
24 they called Dr. Bea's hard evidence on the table  
25 which was another answer key. And he asked me to

1 look at the answer key, and he identified it for me,  
2 that this was the answer key that Dr. Bea had and to  
3 examine my test answers and the answer key, the test  
4 answers.

5 I never received my quiz with the other  
6 students in the class, so I didn't -- this is the  
7 first time I've seen my quiz since I took it. And I  
8 looked at them and they were similar.

9 **Q.** Okay. Did -- what, if anything, did  
10 Mr. Trychta say about the answer key itself?

11 **A.** After I said that they looked similar to me,  
12 he said, well, that's because Dr. Bea planted this  
13 on his computer so that you would find it. And he  
14 said this is a fake answer key that Dr. Bea  
15 generated for you.

16 And I just got up and I started walking  
17 around because I didn't understand what that meant.  
18 So I sat back down and my Honor Council adviser was  
19 with me, Ms. Tori Conklin. I just didn't get it, it  
20 didn't make sense, what's a false answer key, did  
21 other student -- is this like a different test.

22 And then he put the real answer key, the one  
23 that apparently has the correct answers on it that  
24 matches what others students were supposed to get.  
25 And he asked me, he said, why doesn't yours match



1 this one. I said I don't know. If Dr. Bea says  
2 that those answers are wrong, that my answers are  
3 wrong and those answers are correct, I guess I just  
4 messed up on this quiz, but I never saw that key  
5 before.

6 So I just started to cry, I said, I didn't  
7 get it. And that's when Dean Blaisdell came forward  
8 and talked to me.

9 **Q.** Who is Dean Blaisdell?

10 **A.** The Dean of Academic Affairs, Student Affairs  
11 at school.

12 **Q.** Okay. And what did Dean Blaisdell tell you  
13 about the allegations against you, if anything?

14 **A.** I don't think he -- he knew what I was being  
15 accused of either. I'm sorry, that's speculation  
16 but from our conversation he -- he hadn't seen that,  
17 he hadn't even heard of any answer key yet when he  
18 talked to me. Because I mentioned it to him and he  
19 said to me, well, how that can be. And it just  
20 seemed to me that --

21 **MS. KRUPICKA:** Objection, Your Honor.

22 **THE COURT:** Yes, ma'am.

23 **MS. KRUPICKA:** She is speculating.

24 **THE COURT:** Don't speculate about what you  
25 think other people thought or anything like that.

1 Go ahead.

2 **A.** Well, he just asked me if I could call my  
3 parents and I said I --

4 **MS. KRUPICKA:** Your Honor, there is not a  
5 question on the floor.

6 **MR. TIMMONS:** She is correct. Just wait  
7 for me to ask a question.

8 **BY MR. TIMMONS:**

9 **Q.** Ms. Bose, other than the statements that you  
10 just described by Mitchell Trychta, prior to the  
11 Honor Council hearing itself, were you ever  
12 presented with any of the evidence against you or in  
13 more detailed description of the allegations against  
14 you?

15 **MS. KRUPICKA:** Objection, Your Honor,  
16 assumes facts not in evidence, she just testified as  
17 to the details that she had been provided.

18 **THE COURT:** Overruled.

19 Go ahead and answer.

20 **A.** I -- can you repeat the question?

21 **Q.** Other than the information that you just  
22 described regarding your meeting with Mitchell  
23 Trychta, were you ever provided any other  
24 information about the allegations against you or the  
25 evidence against you that was to be presented at

1 this Honor Council hearing?

2 **A.** I only knew by the time I got to my second  
3 interview with Mr. Trychta was I had been accused of  
4 cheating on multiple assignments. I don't know what  
5 quantifies multiple, so I assumed all of them. And  
6 that there was a fake answer key that I had never  
7 seen before. That -- that's all I had.

8 **Q.** Now Mr. Trychta told you that Dr. Bea planted  
9 this answer key on his computer.

10 Had you ever accessed Dr. Bea's computer to  
11 or rather accessed any answer keys on Dr. Bea's  
12 computer before?

13 **A.** No. I don't have his password, I don't know  
14 how you can get into a computer without a password.

15 **Q.** Okay. Did you routinely utilized Dr. Bea's  
16 computer for anything?

17 **A.** No. It's not my computer.

18 **Q.** All right. Now this e-mail, Exhibit 2,  
19 actually page two.

20 Is this you advising the Honor Council that  
21 you intend to call Chelsea Dezfuli and Matthew  
22 Chapman as potential witnesses?

23 **A.** Yes.

24 **Q.** Okay. Who is Chelsea Dezfuli?

25 **A.** She's my friend.

1 Q. Okay. Who is Matthew Chapman?

2 A. He's my friend.

3 Q. Are they students in that Orgo -- Organic  
4 Chemistry II class or were they?

5 A. Chelsea Dezfuli sat next to me in Organic  
6 Chemistry II in Dr. Bea's lecture class. She and I  
7 were in different lab courses.

8 Matthew Chapman is a chemistry major at the  
9 University of Georgia and he drove up for it.

10 Q. Okay. Did you provide witness statements for  
11 those two people to Rhodes College?

12 A. Witness statements before the hearing?

13 Q. Yes?

14 A. No.

15 Q. Okay. I'm going to show you one more  
16 document.

17 MR. TIMMONS: If I could approach?

18 BY MR. TIMMONS:

19 Q. Ms. Bose, could you identify that document?

20 A. This document is -- or, yes, it is --  
21 contains copies of letters from Honor Council  
22 President Regan Adolph. This document details the  
23 first time that I was being told what I was  
24 specifically accused of. This happened two days  
25 before the actual -- two or three days before the

1 actual hearing, and it was after the pre-hearing  
2 that the Honor Council had to review all the  
3 materials.

4 **Q.** Okay.

5 **MR. TIMMONS:** I would like to make that  
6 Exhibit 3, Your Honor.

7 **MS. KRUPICKA:** No objection, Your Honor.

8 **THE COURT:** All right. Then we will go  
9 ahead and receive the document. This will be  
10 collective Exhibit Number 3.

11 (Exhibit Number 3 was marked; Description:  
12 E-mails.)

13 **BY MR. TIMMONS:**

14 **Q.** All right. That document states that  
15 specifically it's alleged that you stole from  
16 Professor Bea and cheated in Chem 212, specifically,  
17 but not limited to Quiz 3, Quiz 4, Quiz 5, Midterm  
18 2, and Midterm 3.

19 It then goes on to state that the pre-hearing  
20 committee, the Honor Council voted to take the  
21 matter to a hearing.

22 Were you given any other specifics on the  
23 allegations against you beyond this document and  
24 what you previously testified to before the Honor  
25 Council hearing itself?

1     **A.**       No.

2     **Q.**       Right.

3               Now at the Honor Council hearing, did you  
4     learn precisely what you were accused of having  
5     done?

6     **A.**       Yes.

7     **Q.**       Okay. What specifically were you -- now let  
8     me backup and establish a few more parameters.

9               Did you have any counsel at this hearing,  
10    whether an attorney or another person, to provide  
11    you advice?

12    **A.**       No, there were no adults in the room.

13    **Q.**       When you say no adults, you mean no, no one  
14    other than Rhodes College students.

15    **A.**       Yes. Only the Honor Council members, Dr. Bea  
16    and me were in the room until witnesses were called  
17    forth and they were in the room.

18    **Q.**       Okay. How many members did the Honor Council  
19    consist of?

20    **A.**       I -- I don't have an exact number, I never  
21    counted them.

22    **Q.**       Okay. Do you recall -- I will ask you more  
23    generally -- this hearing panel, the Honor Council,  
24    who were the people that served on it?

25               Were they students, for example, or faculty

1 members, et cetra?

2 **A.** They were all my peers, they were students.

3 **Q.** All of them undergraduate students?

4 **A.** Yes.

5 **Q.** All right. Who conducted the hearing itself,  
6 who presided over the hearing?

7 **A.** The Honor Council President, Regan Adolph.

8 **Q.** What's her role?

9 **A.** She is a neutral -- neutral position. She  
10 starts off the conducting of the Honor Council  
11 proceedings. She concludes it. She is supposed to  
12 be neutral.

13 **Q.** Okay. Is she also a student?

14 **A.** Yes.

15 **Q.** Okay. Who acted as the prosecutor, for lack  
16 of a better term, in this hearing?

17 Who made the accusations against you, who  
18 made the first statement of accusation against you?

19 **A.** It would be Dr. Bea.

20 **Q.** Okay.

21 **MR. TIMMONS:** Pardon me, Your Honor, if I  
22 may have just a minute so I don't have a coughing  
23 fit.

24 **BY MR. TIMMONS:**

25 **Q.** All right. Now during Dr. Bea's opening

1 statement in this matter, did you learn the details  
2 of the accusations against you?

3 **A.** In his opening statement he talked about that  
4 he was very upset and then he -- the Honor Council  
5 asked Dr. Bea, so specifically what are you accusing  
6 Ms. Bose of. So he said he thought that it was  
7 everything, but evidence he only had for Quiz 5.

8 **Q.** All right. Now did you ask my office, was  
9 there an audio recording made of this Honor Council  
10 proceeding?

11 **A.** Yes.

12 **Q.** Did you ask my office to have this  
13 transcribed into a transcript by a court reporter?

14 **A.** Yes.

15 **Q.** Okay.

16 **MR. TIMMONS:** Based on Ms. Krupicka's  
17 previous comments about wanting to supplement the  
18 record with these documents, I don't anticipate --

19 **MS. KRUPICKA:** I have no objection.

20 **MR. TIMMONS:** All right. Your Honor, I  
21 would like to go ahead and make the next exhibit a  
22 transcript of the Honor Council hearing from  
23 December 17th, 2015.

24 **THE COURT:** All right. We will go ahead  
25 and receive it. It will be Exhibit Number 4.



1 (Exhibit Number 4 was marked; Description:  
2 Transcript.)

3 **BY MR. TIMMONS:**

4 **Q.** Now as -- as this hearing began, did you  
5 believe there was any relationship between your --  
6 the interactions with Dr. Bea that you've described  
7 previously today and the allegations of cheating?

8 **A.** I didn't think about it. This happened to me  
9 during finals week. So I'm studying for five exams,  
10 and literally accused of cheating, so I -- I just  
11 had to come up with some sort of defense. But I  
12 didn't put two and two together. I went to Atlanta  
13 to talk to my parents in person, but I just -- it  
14 completely escaped me because I got that letter.

15 **Q.** All right. Now did Dr. Bea present certain  
16 exhibits to -- to the Honor Council during the  
17 course of that proceeding?

18 **A.** Oh, he presented my final exam that I took  
19 two days before the hearing, I took it on Tuesday.

20 **Q.** I -- I'll go through them.

21 I'm just asking did -- were there exhibits  
22 presented?

23 **A.** Yes.

24 **Q.** All right. Now I'm going to pass you  
25 another -- I'm going to pass you another document.

1 Can you identify this, please?

2 **A.** This is a copy of his grading roster.

3 **Q.** Okay. Was that presented as an exhibit  
4 during the Honor Council proceeding?

5 **A.** Yes.

6 **Q.** Okay.

7 **MR. TIMMONS:** Your Honor, I would like to  
8 make that the next exhibit.

9 **THE COURT:** All right. Ms. Krupicka, let  
10 me know if you object to any of these.

11 That will be Exhibit 5.

12 (Exhibit Number 5 was marked; Description:  
13 Grading roster.)

14 **MR. TIMMONS:** Hold that for a second.

15 Your Honor, just to get these out of the  
16 way, I'm going to go ahead and get the exhibits  
17 entered and marked and then we'll come back and ask  
18 questions about them.

19 **THE COURT:** Okay.

20 **BY MR. TIMMONS:**

21 **Q.** Can you identify that document for me?

22 **A.** Dr. Bea has two grading rosters which I found  
23 out about during my hearing. The previous exhibit  
24 was his paper roster. This paper depicted an  
25 electronic grading roster.

1 Q. All right.

2 MR. TIMMONS: I'm trying to speed this  
3 along, Your Honor, and just go ahead and pass all of  
4 these.

5 THE COURT: The electronic one will be  
6 number six.

7 (Exhibit Number 6 was marked; Description:  
8 Grading roster.)

9 MR. TIMMONS: Say again, Your Honor?

10 THE COURT: Are we going to have all of  
11 them as a collective exhibit or each individually?  
12 It doesn't matter.

13 MR. TIMMONS: I don't -- I was planning on  
14 introducing them individually --

15 THE COURT: That's fine.

16 MR. TIMMONS: -- just in the interest of  
17 not pacing back and forth, I was going to pass all  
18 of these documents to Ms. Krupicka.

19 THE COURT: That'll work.

20 BY MR. TIMMONS:

21 Q. Ms. Bose, I'm going to pass you a couple of  
22 documents, a series of documents.

23 Can you identify those for me?

24 A. This is my Midterm 1 exam.

25 Q. Okay. Is that the original document?

1       **A.**       Yes.

2                   **MR. TIMMONS:** Your Honor, I would like to  
3 make that the next exhibit.

4                   **THE COURT:** I think the electronic grading  
5 roster was number six, is that right, Ross?

6                   **THE CLERK:** Yes, sir.

7                   **THE COURT:** So this will be number seven.

8                   (Exhibit Number 7 was marked; Description:  
9 Midterm 1.)

10       **BY MR. TIMMONS:**

11       **Q.**       Ms. Bose, can you identify that document?

12       **A.**       This is my second quiz.

13       **Q.**       Okay.

14                   **MR. TIMMONS:** Make that number eight, Your  
15 Honor.

16                   **THE COURT:** Yes.

17                   (Exhibit Number 8 was marked; Description:  
18 Quiz 2.)

19       **BY MR. TIMMONS:**

20       **Q.**       Can you identify that document?

21       **A.**       This is my second test.

22                   **MR. TIMMONS:** Make that one number nine,  
23 Your Honor.

24                   (Exhibit Number 9 was marked; Description:  
25 Midterm 2A.)

1 **BY MR. TIMMONS:**

2 **Q.** Can you identify that document?

3 **A.** This my third quiz -- yes, this is my third  
4 quiz.

5 **Q.** Okay.

6 **MR. TIMMONS:** I'd like to make that number  
7 ten, Your Honor.

8 **THE COURT:** All right.

9 (Exhibit Number 10 was marked;  
10 Description: Quiz 3.)

11 **BY MR. TIMMONS:**

12 **Q.** And, Ms. Bose, can you identify that  
13 document.

14 **A.** This is my third midterm.

15 **Q.** Midterm 3?

16 **A.** Midterm 3, third test.

17 **Q.** Thank you.

18 **MR. TIMMONS:** I would like to make that  
19 one number 11, Your Honor.

20 (Exhibit Number 11 was marked;  
21 Description: Midterm 3.)

22 **BY MR. TIMMONS:**

23 **Q.** And, Ms. Bose, do you still have a copy of  
24 the physical grade roster?

25 **A.** Yes.

1 Q. With regard to that physical grade roster,  
2 which is Exhibit Number 5, are there any allegations  
3 made against you that related directly to that  
4 document?

5 A. Dr. Bea accused me of accessing his physical  
6 grade roster, paper roster and changing four of my  
7 grades.

8 Q. Okay. Of those, the grades on this document,  
9 can you tell which ones that he accused you of  
10 changing?

11 A. He in numbers on the roster which are struck  
12 out are the grades that I have been accused of  
13 changing. And the numbers are next to them are the  
14 numbers that Dr. Bea says I'm supposed to have in  
15 accordance with the electronic grade roster.

16 Q. So, now you testified earlier that you lost  
17 certain documents over the course of the  
18 Thanksgiving break, correct?

19 A. Yes.

20 Q. All right. Are the tests that I just asked  
21 you to identify, the tests and quizzes, the grades  
22 for which are reflected on this roster, are those  
23 among the documents that you misplaced while  
24 traveling?

25 A. Yes.

1 Q. Okay. How did you come to be back in  
2 possession of those documents?

3 A. A really nice person found them. I was --  
4 since I was traveling over the holidays, I lost them  
5 on one of the flights that I was traveling from, so  
6 one day in January --

7 MS. KRUPICKA: Your Honor, I'm going to  
8 object. This is all hearsay.

9 A. It's not --

10 MR. TIMMONS: She hasn't said anything  
11 about what anyone said, Your Honor.

12 THE COURT: She's -- just confine it to,  
13 you know, how she came back in contact with these  
14 documents.

15 A. I received them anonymously through the mail.

16 Q. Okay. So you got -- you got a package that  
17 had your Organic Chemistry notebook in it?

18 A. Yes, the package that I lost.

19 Q. Okay. Now were these the only documents that  
20 were in that package?

21 A. No.

22 Q. Okay. What -- what did the package consist  
23 of?

24 A. I had taken an Urban Outfitters bag and I put  
25 one of my notebooks in it. And in that notebook I

1 had just taken tests and quizzes and notes from all  
2 my classes and put them in that notebook so that I  
3 could have those materials to study from over the  
4 break.

5 Q. Okay. Now as of the December 4th hearing,  
6 did you have those materials with you?

7 A. No.

8 Q. Were they -- had you gotten that package in  
9 the mail yet?

10 A. No.

11 Q. Okay. So as you were presented this  
12 document, could you refute what documentary evidence  
13 any of the testimony that Dr. Bea gave about the  
14 documents?

15 A. No.

16 Q. Okay. Did -- was Dr. Bea to your knowledge  
17 aware of this fact?

18 A. Yes.

19 Q. Okay. How did he know about that?

20 A. Because on November 30th I went up to him and  
21 I said twice, because I lost my tests and my quizzes  
22 I need extra material to study for -- to study with.

23 Q. All right. Now, Dr. Bea represented to the  
24 Honor Council that you earned a 47 on Midterm 3, is  
25 that correct?



1     **A.**       Yes.

2     **Q.**       Did you agree that you earned a 47 on  
3 Midterm 3?

4     **A.**       I didn't remember it being that low, but --  
5 because I didn't remember my grade, I couldn't say  
6 anything about it.

7               **MR. TIMMONS:** If I could have that  
8 document back, which it should have been the last  
9 one marked.

10    **BY MR. TIMMONS:**

11    **Q.**       Is that Midterm 3?

12    **A.**       Yes.

13    **Q.**       Okay.

14               **THE COURT:** That's Exhibit Number 11?

15               **MR. TIMMONS:** Correct, Your Honor.

16    **BY MR. TIMMONS:**

17    **Q.**       What is your actual grade on Midterm 3?

18    **A.**       74.

19    **Q.**       So Dr. Bea, when he testified that you earned  
20 a 47, must have altered your grade in his grade  
21 roster, Dr. Bea was not making an accurate statement  
22 to the Honor Council, correct?

23    **A.**       No.

24               **MR. TIMMONS:** I will need to -- I'll be  
25 going back and forth between those.

1 **BY MR. TIMMONS:**

2 **Q.** Now on Midterm 2 Dr. Bea indicated that you  
3 actually earned a 93, correct?

4 **A.** Yes.

5 **Q.** And that was the statement that he made to  
6 the Honor Council, right?

7 **A.** Yes.

8 **Q.** Actually this one.

9 And that's the original of Midterm 2,  
10 correct?

11 **A.** Yes.

12 **THE COURT:** Counsel, I need for you to  
13 refer to the exhibit number.

14 **MR. TIMMONS:** Yes, Your Honor.

15 **BY MR. TIMMONS:**

16 **Q.** That's Exhibit 9 which is the original of  
17 Midterm 2, correct?

18 **A.** Yes.

19 **Q.** All right. What did you actually earn on  
20 Midterm 2?

21 **A.** A 97.

22 **Q.** Now Dr. Bea testified in that hearing that  
23 you accessed his grade roster and changed your  
24 grades in such a way as to be beneficial to you.

25 Would it have benefited your grade to change

1 your grade on Midterm 3 from a 74 to a 77 (sic)?

2 **A.** I don't think so.

3 **Q.** Now Dr. Bea then presented another document  
4 that I'm going to pass you.

5 Can you tell me what --

6 Now can you identify that document, please?

7 **A.** This is the fake answer key that he created  
8 for me.

9 **Q.** Okay.

10 **MR. TIMMONS:** I would like to make that  
11 the next exhibit, Your Honor.

12 **THE COURT:** All right. I believe it will  
13 be number 12.

14 **THE CLERK:** Yes, sir.

15 (Exhibit Number 12 was marked;

16 Description: Fake Answer Key.)

17 **BY MR. TIMMONS:**

18 **Q.** And Dr. Bea contended that he placed this  
19 document on his computer as a trap for you to find  
20 and copy on Quiz Number 5, correct?

21 **A.** Yes.

22 **Q.** All right. Now prior to your meeting with  
23 the Honor Council investigator, had you ever seen  
24 this document before?

25 **A.** No.

1 Q. Okay. Did Dr. Bea present any other evidence  
2 at the hearing that that document was created prior  
3 to your taking Quiz Number 5?

4 MS. KRUPICKA: Your Honor, I'm going to  
5 object. The evidence that was presented is in the  
6 transcript, it's been introduced into evidence. And  
7 whether or not this witness believes that Dr. Bea  
8 introduced any other evidence is just not probative  
9 or relevant.

10 THE COURT: I have to sustain the  
11 objection.

12 Let's go ahead and finish getting the  
13 facts in so we can move on.

14 BY MR. TIMMONS:

15 Q. Now in the Honor Council hearing, what, if  
16 any, efforts did you make -- during Ms. Krupicka's  
17 opening statement that you had ample opportunity to  
18 get in to the allegations of sexual harassment by  
19 Dr. Bea and their relationship to the accusation of  
20 cheating --

21 MS. KRUPICKA: Your Honor, I make the same  
22 objection, whatever efforts she made are in the  
23 transcript.

24 THE COURT: Where are we going with this,  
25 counsel?

1           **MR. TIMMONS:** Your Honor, the point here  
2 is that the efforts that she made aren't in the  
3 transcript. So I need to ask her what it was that  
4 she did to try and introduce this information in --  
5 into that Rhodes College administrative record.

6           **MS. KRUPICKA:** Your Honor, there certainly  
7 is a record of her being this topic up in the  
8 transcript.

9           If she wants to testify about something  
10 that happened outside of the hearing, then let her  
11 testify about that. But I don't -- there is no  
12 reason to go through what she did during the hearing  
13 when it's in the transcript.

14           **MR. TIMMONS:** Your Honor, I am actually  
15 very specifically --

16           **THE COURT:** Now I will allow it. Okay.  
17 But I really want us to get to the facts so we  
18 can -- so we can move along. I understand it may be  
19 in the transcript, but I will allow you to explore  
20 this to a -- to a, you know, a limited degree, so  
21 let's move this along.

22           **MR. TIMMONS:** Your Honor, I'm not going to  
23 ask about anything in the transcript.

24           **THE COURT:** Go -- let's move it along.  
25

1                   **MR. TIMMONS:** Right.

2           **BY MR. TIMMONS:**

3           **Q.**       Now you did reference in the transcript  
4           the -- that towards the end of the proceedings that  
5           you were concerned that Dr. Bea may be making these  
6           allegations for some improper purpose, right, do you  
7           recall that?

8           **A.**       Yes, in my closing statement.

9                   **MS. KRUPICKA:** I'm sorry, I didn't hear  
10           her last answer.

11                   Could you speak up a little.

12           **A.**       Sorry.

13                   In my closing statement.

14           **Q.**       So prior to the end of the hearing, had it  
15           occurred to you that may be the reason that Dr. Bea  
16           had made these allegations?

17           **A.**       No. Like -- like I said before, I'm taking  
18           my finals and I'm trying to prepare a defense. And  
19           it just didn't click for me, it's not the first  
20           thought that comes to my mind that my professor is  
21           mad at me, that I -- I did something wrong and  
22           trying to tell him that I didn't want to talk about  
23           more than school. I thought that maybe he genuinely  
24           thought I did something wrong.

25                   And I was stuck in August when we started

1 school because the complaint I heard against me was  
2 that I was being suspected of cheating on multiple  
3 assignments which dates us back to the beginning of  
4 the semester.

5 My confrontation with him didn't happen until  
6 November 19th. I had no timeframe of which to even  
7 isolate any sort of reason why.

8 It wasn't until I got to the hearing and I  
9 heard him speak for the first time about it that I  
10 started to see that he was upset with me.

11 **Q.** Now towards the end of the hearing did you  
12 make an effort, not in the hearing room but outside  
13 the hearing room, did you make an effort to put on  
14 another witness to demonstrate the facts to which  
15 you've testified earlier today about your  
16 confrontation with Dr. Bea or what, if any, effort  
17 did you make to that effect?

18 **A.** I told President Adolph that I had a witness  
19 who could testify and corroborate my story against  
20 Dr. Bea.

21 **Q.** Okay. That was -- this was outside the  
22 hearing room, correct?

23 **A.** Yes, it's not on record -- it's not on  
24 record.

25 **Q.** So that's not on the recording and not in the

1 transcript, right?

2 **A.** No.

3 **Q.** Now did you -- now did President Adolph  
4 permit you to put this witness on?

5 **A.** No.

6 **Q.** Okay. Was that witness present and able to  
7 testify?

8 **A.** Yes.

9 **Q.** Okay. Who was that witness?

10 **A.** Chelsea Dezfuli.

11 **Q.** All right. Now after you -- this hearing was  
12 concluded, were you immediately notified of any  
13 result?

14 **A.** Yes. Oh, pardon. At the conclusion of the  
15 hearing, do you mean on the same day or prior?

16 **Q.** Right, just contemporaneously with the  
17 hearing.

18 **A.** No.

19 **Q.** Okay. After the hearing concluded and you  
20 went home, were you notified of any result?

21 **A.** No, because Dean Blaisdell and Regan told me  
22 to just come in the morning and they would tell me.

23 **Q.** All right. Now did you -- did you receive a  
24 notification that, eventually that you were  
25 expelled?



1     **A.**       Yes, after I got the verbal expulsion.

2     **Q.**       Okay. So they were -- you were verbally  
3     advised and then you got an e-mail?

4     **A.**       Yes.

5     **Q.**       Now during the course of this hearing, I'm  
6     not asking about the material that's ascertainable  
7     from reading that transcript, where was Dr. Bea  
8     sitting in proximity to you?

9     **A.**       If I'm sitting here (indicating), President  
10    Adolph is sitting next to me on my right and Dr. Bea  
11    is sitting next to her, so two seats from where I'm  
12    sitting.

13   **Q.**       All right. Now, so he's sitting a little  
14    more than an arm's length from you?

15   **A.**       Yes.

16   **Q.**       Now when -- I want to make sure I ask a  
17    question here.

18               When you were asked -- when you asked  
19    President Adolph if you could present additional  
20    testimony from Chelsea Dezfuli, what did President  
21    Adolph actually tell you?

22   **A.**       That the time for witnesses had passed.

23   **Q.**       Okay. And you wouldn't be permitted to  
24    present her as a witness?

25   **A.**       Yes.

1           **MR. TIMMONS:** If I can get my computer to  
2 cooperate, I will play a portion of this audio  
3 transcript.

4           **THE CLERK:** I've got to switch it over off  
5 the Elmo.

6           **MS. KRUPICKA:** You're playing a portion of  
7 the audio of the transcript that's in the record?

8           **MR. TIMMONS:** Of the hearing.

9           **MS. KRUPICKA:** Okay. Your Honor, I'm  
10 going to object to that, it's in the transcript and  
11 I understand we won't have to listen to it, too.

12           **MR. TIMMONS:** Well, Your Honor, tone of  
13 voice is important to convey certain information.

14           **MS. KRUPICKA:** All right. I withdraw my  
15 objection.

16           **MR. TIMMONS:** Ms. Krupicka may get her way  
17 for technical reasons though.

18           She is going to get her way for technical  
19 reasons.

20           All right. Well, I'm going to ask you a  
21 question about the transcript.

22 **BY MR. TIMMONS:**

23 **Q.** I'm going to pass you a copy of the  
24 transcript of that proceeding.

25 I believe that -- do you need a copy?

1           **THE COURT:** I do have to ask you, it is in  
2 the transcript. Now a couple of references I don't  
3 mind, but we are not going to be reading page after  
4 page of transcript that's already admitted.

5           **MR. TIMMONS:** Not going to do that, Your  
6 Honor.

7           **THE COURT:** All right.

8 **BY MR. TIMMONS:**

9 **Q.** All right.

10           **MR. TIMMONS:** Could I ask the court be  
11 passed the original.

12 **BY MR. TIMMONS:**

13 **Q.** Ms. Bose, would you join me on page 195 of  
14 this transcript. I'm sorry, page 194.

15 193, I'm sorry.

16 All right. Ms. Bose, is this where Dr. Bea  
17 starts asking you about why you believe that he is  
18 bringing these allegations against you?

19 **A.** Yes.

20 **Q.** Okay. And you attempt to explain. And would  
21 you join me now on page 195.

22 All right. Ms. Bose, would you read me your  
23 statement or, rather, really starting Professor Bea  
24 says:

25 "It should be something really, really,

1 really bad you've done to me in order to get revenge  
2 against you. Really, really bad. Anything in  
3 particular? A joke, really? For just a joke, I'm  
4 doing all of this? Tell me."

5 And, Ms. Bose, what did you say in response  
6 to that?

7 **A.** "I don't know how you think. I do know we've  
8 spoken a lot about many different things, your  
9 tenure, mostly professional. And I mean, this kind  
10 of relationship between a teacher and a student  
11 should remain professional, but, I mean, we were  
12 close, so --"

13 **Q.** And Professor Bea then says: "Careful what  
14 you say in close or not close relationship."

15 After Professor Bea made that statement, did  
16 you feel -- how did you feel?

17 **A.** Scared.

18 **Q.** Intimidated?

19 **A.** Yes.

20 **Q.** Did you feel like you could continue down  
21 that line of -- of thought --

22 **A.** No.

23 **Q.** -- that line of testimony?

24 **A.** He interrupted me while I was trying to  
25 collect my thoughts together to explain it the best

1 way that I could. This was the first time that I  
2 attempted to even talk about it. And I was going to  
3 say everything, but --

4 **Q.** Did you feel like you could say anything  
5 after that?

6 **A.** No. Because after he interrupted me, you  
7 can't -- you can't feel the time between phrases  
8 when you read this, but Dr. Bea said that and I felt  
9 threatened to not say anything.

10 And then President Adolph asked: "Do you  
11 have a question?"

12 And so he started talking, it was really  
13 fast, there is no way to even get it back on track  
14 to what I was trying to say in the first place.

15 **Q.** Now this point in the hearing, when you  
16 started to talk about this, is this when you  
17 realized that you -- that there was a connection  
18 between Dr. Bea's allegations of cheating and your  
19 confrontation of Dr. Bea about his personal and  
20 inappropriate comments to you?

21 **A.** Yes.

22 **MS. KRUPICKA:** Objection, leading, Your  
23 Honor.

24 **THE COURT:** That's true, don't lead the  
25 witness.

1                   **MR. TIMMONS:** I will rephrase.

2                   **BY MR. TIMMONS:**

3                   **Q.** Now let me rephrase that question.

4                   When, during this proceeding, did you  
5 realize, if, in fact, you realized, that there was a  
6 connection between Dr. Bea's allegations of cheating  
7 and your confrontation of Dr. Bea about his  
8 inappropriate behavior.

9                   **MS. KRUPICKA:** Lack of proper foundation,  
10 Your Honor.

11                   **THE COURT:** I will overrule it.

12                   Go ahead.

13                   **A.** When he said, careful what you say in a close  
14 or not close relationship, because I was going to  
15 talk about what just happened three weeks prior that  
16 was -- that was when I made a connection and then he  
17 said tenure and jeopardy and I realized that he was  
18 scared that I was going to hurt his career.

19                   **Q.** All right. Now after this hearing, after you  
20 were notified of the expulsion, that was when you  
21 retained me to assist you, correct?

22                   **A.** Yes.

23                   **Q.** Right.

24                   Now did you file a -- an appeal to the  
25 faculty at Rhodes?

1     **A.**       Yes.

2     **Q.**       Okay. And did you advise the Rhodes faculty  
3     of your concern that there may be a connection  
4     between the allegation of cheating and your  
5     confrontation of Dr. Bea?

6     **A.**       Yes.

7     **Q.**       Did they permit the Honor Council to conduct  
8     investigations into that matter?

9     **A.**       No.

10    **Q.**       Okay. Did you or when, if ever, did you  
11    bring a complaint through the school's Title IX  
12    coordinator?

13    **A.**       Yes.

14    **Q.**       You did -- you did do one?

15    **A.**       I did bring a complaint, I -- I wrote it  
16    online.

17    **Q.**       Okay. And did you do that contemporaneously  
18    with bringing that appeal?

19    **A.**       Yes.

20    **Q.**       Okay. Now did the school investigate the  
21    Title IX complaint before the Faculty Appeals  
22    hearing?

23    **A.**       No, it was after.

24    **Q.**       Okay. Did the school investigate the  
25    Title IX complaint before the Honor Council

1 reconvened and reconsidered and considered the  
2 results of the Faculty Appeals hearing?

3 **A.** No, it was after.

4 **Q.** Okay. When did the school conduct the  
5 Title IX investigation?

6 **A.** After I had been told that I was officially  
7 expelled from school in March.

8 **Q.** Okay. Now I'm going to pass you another  
9 document.

10 Is this a transcript of your statements made  
11 to the Title IX investigator for Rhodes, Whitney  
12 Harmon?

13 **A.** Yes.

14 **Q.** Okay.

15 **MR. TIMMONS:** Your Honor, absent  
16 objection -- absent objection I would like --

17 **MS. KRUPICKA:** I've never seen this, Your  
18 Honor.

19 **MR. TIMMONS:** Your Honor, this -- Rhodes  
20 hired this investigator who is an attorney working  
21 four Rhodes College, and there was a court reporter  
22 for this -- for, I believe, all the witnesses in  
23 this investigation.

24 **MS. KRUPICKA:** Was this at Ms. Bose's  
25 instance that there be a court reporter there, I



1 have never seen this transcript until today. I  
2 wasn't aware that the matter had been transcribed.

3 **THE COURT:** Do you need time?

4 Are you objecting, the basis, you need  
5 time to take a look at it?

6 **MS. KRUPICKA:** Not really, Your Honor,  
7 I -- I continue to not understand the relevance of  
8 this. But -- so I don't -- I don't have any  
9 objection right now, I guess, I will just see what  
10 he asks about it.

11 **THE COURT:** All right. Go ahead and  
12 receive it.

13 I believe that will be Exhibit 13?

14 **THE CLERK:** Yes, sir.

15 **THE COURT:** It will be Exhibit 13.

16 (Exhibit Number 13 was marked;  
17 Description: Transcript.)

18 **MR. TIMMONS:** Your Honor, I'm sure if I  
19 ask any questions about the transcript, Ms. Krupicka  
20 will say that it speaks for itself and I would agree  
21 with her. So I'm going to mark it and place it into  
22 evidence.

23 But that's --

24 **MS. KRUPICKA:** Your Honor, actually I will  
25 object because there's -- there's no indication of

1 either the Honor Council or the Faculty Appeals  
2 Committee ever saw this document. So whatever is in  
3 it is not relevant to the determination that she  
4 should be expelled for cheating.

5 **THE COURT:** How do you respond?

6 **MR. TIMMONS:** Your Honor, the issue before  
7 the court today is not whether she should or  
8 shouldn't have been expelled for cheating based on  
9 the information presented to the Faculty Appeals  
10 Committee or the Honor Council. The question is  
11 whether Rhodes violated Title IX.

12 This is the first instance in which Rhodes  
13 heard a -- or permitted Ms. Bose to tell her story  
14 about her allegations against Dr. Bea on  
15 February 26th of this year, long after all of this  
16 had concluded.

17 The court is not deciding today whether to  
18 reverse the Honor Council. The Honor Council is not  
19 a lower court, it's a body of students who don't  
20 have bachelor's degrees.

21 **MS. KRUPICKA:** Your Honor, I would submit  
22 that there -- there is -- that the issue today is  
23 whether this court determines that a preliminary  
24 injunction should issue expunging Ms. Bose's  
25 expulsion from the school's records. And I see

1 absolutely no relevance to this if it wasn't  
2 considered by Rhodes at the time she was expelled.

3 **MR. TIMMONS:** Your Honor, the fact that  
4 Rhodes didn't consider it is precisely the issue.

5 **MS. KRUPICKA:** Your Honor, there is ample  
6 evidence in the record of these allegations.

7 **THE COURT:** I will allow it.

8 We will go ahead and receive it into  
9 evidence.

10 Number 13.

11 **MR. TIMMONS:** All right. Thank you, Your  
12 Honor.

13 (Exhibit Number 13 was marked;  
14 Description: Transcript.)

15 **BY MR. TIMMONS:**

16 **Q.** All right. Now after your expulsion from  
17 Rhodes, were you able --

18 **MR. TIMMONS:** I'm going to try and move  
19 this along, Your Honor, I realize I've taken longer  
20 than I intended to.

21 **BY MR. TIMMONS:**

22 **Q.** Were you able to obtain admission to any  
23 other institutions?

24 **A.** Yes.

25 **Q.** Okay. Where do you attend school now?

1     **A.**       I attend school in Atlanta, Georgia at  
2     Oglethorpe University.

3     **Q.**       Is Oglethorpe aware of these proceedings?

4     **A.**       Yes.

5     **Q.**       Okay. Is Oglethorpe aware that Rhodes  
6     elected to expel you?

7     **A.**       Yes.

8     **Q.**       Okay. Are there any conditions attached to  
9     your admission to Oglethorpe University as a result  
10    of these proceedings?

11    **A.**       I have to check in with the Provost and the  
12    Dean of Academic Affairs at the school. I just have  
13    to do my work and keep them updated about what's --  
14    how this hearing and the trial, how everything is  
15    going.

16    **Q.**       Is your admission to Oglethorpe a provisional  
17    admission?

18    **A.**       Yes, I was very transparent with them about  
19    what's happening. And they said, well, as long as  
20    you keep us updated and as long as you do your work  
21    here, okay.

22    **Q.**       Okay. But they're monitoring this  
23    proceeding?

24    **A.**       Very closely.

25    **Q.**       Okay. Right now are you in the process of

1 trying to make -- provisions for attending graduate  
2 school?

3 **A.** I'm trying.

4 **Q.** Okay. Are you -- is it necessary, as a  
5 practical matter, for you to disclose to any  
6 potential graduate institution the nature of your  
7 expulsion from Rhodes College?

8 Do you have to tell graduate schools or  
9 medical schools that you were expelled from Rhodes?

10 **A.** Yes.

11 **Q.** Okay. How does that impact, how has that  
12 impacted your ability to find a graduate program?

13 **A.** It's very difficult to find a graduate  
14 program because you, when you apply they'll ask --  
15 they ask you the question, and if you send your  
16 transcript, they'll know whether you were withdrawn  
17 from school voluntarily or involuntarily. So it's  
18 best to be honest upfront, tell them exactly what's  
19 happening and take that chance.

20 Do she see in me the hard work that I have  
21 been putting forward or did I lose it because of the  
22 decision of the college, I don't know.

23 **Q.** Now as we -- as it stands today, if you hoped  
24 to attend a medical program or a graduate school  
25 after graduation, what steps do you need to be

1 taking in order to gain admission?

2 **A.** It's impossible.

3 **Q.** What is your --

4 **MS. KRUPICKA:** Objection, Your Honor.

5 This witness is not qualified to say what effect  
6 that this -- her expulsion is going to have on her  
7 admission to graduate school.

8 **MR. TIMMONS:** It wasn't actually the  
9 answer I was trying to elicit, Your Honor, I will  
10 rephrase the question.

11 **THE COURT:** All right.

12 **BY MR. TIMMONS:**

13 **Q.** As we sit here right now, what is it that you  
14 need to be doing in order to get admitted to  
15 graduate school?

16 **A.** I'm supposed to be taking the MCAT, and after  
17 studying for the MCAT and taking it, you have to  
18 send them your scores, you have to fill out all  
19 their essays, those two, book interviews if they  
20 even give you one.

21 **Q.** So you're supposed to be making application  
22 right now, correct?

23 **A.** Yeah, I should be in my secondary application  
24 right now.

25 **Q.** Okay. Now as a result of this expulsion from

1 Rhodes, where are you in terms of applying to  
2 graduate programs?

3 **A.** I haven't even started.

4 **Q.** All right. Have you -- when you say you  
5 haven't even started, have you started the process  
6 in terms of making inquiry of graduate programs and  
7 the like?

8 **THE COURT:** Mr. Timmons, let's -- let's  
9 move on to something that's going to help me.

10 **MR. TIMMONS:** I understand, Your Honor.

11 **THE COURT:** Okay. Bring it to a close if  
12 we're at the end.

13 **MR. TIMMONS:** All right.

14 **BY MR. TIMMONS:**

15 **Q.** Ms. Bose, do you anticipate that without the  
16 court granting a preliminary injunction today that  
17 you will be able to obtain admission to any medical  
18 program?

19 **A.** It's going to be really hard.

20 **MS. KRUPICKA:** Objection, Your Honor.  
21 Again, this witness is not qualified to answer that  
22 question.

23 **THE COURT:** I sustain it.

24 **MR. TIMMONS:** All right.

25 Your Honor, if I can check with my

1 cocounsel, I think I'm finished.

2 (Conference between cocounsel.)

3 **MR. TIMMONS:** Your Honor, I do have one  
4 last question, it's just a technical matter.

5 **BY MR. TIMMONS:**

6 **Q.** Ms. Bose, did you receive any federal  
7 assistance while you were a student at Rhodes  
8 College?

9 **A.** Yes.

10 **Q.** Okay. What -- what did you receive?

11 **A.** The federal Perkins loan.

12 **Q.** All right.

13 **THE COURT:** Say that again.

14 Speak up a little bit.

15 **THE WITNESS:** The federal Perkins loan.

16 **THE COURT:** Okay.

17 **MR. TIMMONS:** Your Honor, I'm just  
18 establishing that Rhodes is a recipient --

19 Your Honor, I pass the witness.

20 **THE COURT:** One last thing, I believe  
21 Exhibit 6, Mr. Timmons wasn't presented to the clerk  
22 for -- for marking, that's the electronic grading  
23 roster. I believe the witness identified it but it  
24 was not passed forward.

25 I think the witness has it.



1 Mr. Timmons.

2 Mr. Timmons.

3 **MR. TIMMONS:** Oh.

4 **THE COURT:** The witness has it.

5 **MR. TIMMONS:** Thank you, Your Honor.

6 **THE COURT:** Pass that to the clerk if you  
7 would.

8 **THE CLERK:** Thank you.

9 (Exhibit Number 6 was marked; Description:  
10 Grade roster.)

11 **THE COURT:** I don't know that you all need  
12 a break, but I need a break for about ten minutes.  
13 Okay. Then we will come back and there will be  
14 cross.

15 All right.

16 **MR. TIMMONS:** Thank you, Your Honor.

17 **THE COURT:** All right, thank you.

18 We're going to go ahead and take about a  
19 ten minute break at which time we will continue with  
20 this witness.

21 And let's see, yeah, we are going to  
22 continue with this witness.

23 Ms. Bose, don't talk with anyone about  
24 your testimony over the break if you wouldn't.

25 **THE WITNESS:** Yes, sir.

1           **THE COURT:** Okay. You can step down.

2           And we will be in recess.

3           **THE CLERK:** Court stands in recess.

4           **THE COURT:** Just leave all of it right  
5 there.

6           (Recess at 4:20 p.m.)

7           **THE CLERK:** This honorable court is now  
8 back in session.

9           You may be seated.

10          **THE COURT:** Okay. And prior to the break  
11 I believe Mr. Timmons finished his direct, so now is  
12 the time for cross.

13          And I'm assuming that will be Ms.  
14 Krupicka.

15          **MS. KRUPICKA:** Your Honor, before I -- I  
16 cross Ms. Bose, I would like to point out to the  
17 court that there has been nothing offered on behalf  
18 of Ms. Bose to establish that she's entitled to a  
19 preliminary injunction expunging her record of  
20 expulsion. There is no indication that the record  
21 is not temporally expunged right now that she will  
22 suffer irreparable harm.

23          What she is attempting to establish is  
24 that she will suffer -- that she needs a permanent  
25 injunction to expunge her record. And to me, Your

1 Honor, that's what the purpose of this hearing --

2 **THE COURT:** Ms. Krupicka, I'm -- I'm fully  
3 aware of that. Okay. I understand the nature of  
4 the questions that Mr. Timmons asked at the end and  
5 I understand what the burden is, what has to be  
6 shown today. So I'm fully aware of that.

7 Now, if you don't want to cross based on  
8 that, that's -- that's fine, but this is your  
9 opportunity to cross examine the witness.

10 **MS. KRUPICKA:** Well, I guess I would like  
11 some -- some direction from Your Honor, if Your  
12 Honor would like to hear me cross examine the  
13 witness, if you think there is still additional  
14 evidence that you would like to hear, I'm happy to  
15 do it.

16 **THE COURT:** Counsel, do you have any cross  
17 or not?

18 **MS. KRUPICKA:** I do.

19 **THE COURT:** All right, then proceed.

20 **CROSS EXAMINATION**

21 **BY MS. KRUPICKA:**

22 **Q.** Ms. Bose, do you believe that Dr. Bea asked  
23 you about your family because he was romantically  
24 interested in you?

25 **A.** At the time, yes.

1 Q. You did --

2 A. Yes.

3 Q. -- you thought --

4 A. -- yes --

5 Q. -- he was flirting with you --

6 A. -- and I still do.

7 Q. -- is that what you thought?

8 A. -- I still do.

9 Q. All right. And he told you about his fear of  
10 flying because he was romantically interested in  
11 you?

12 A. You're referencing to the spring semester of  
13 2015.

14 Q. Whenever he said he was afraid of flying?

15 A. Not at that time --

16 Q. Okay.

17 A. -- because that was the spring semester of  
18 2015.

19 Q. And how in your mind is asking someone about  
20 their family indicate romantic interest?

21 A. Within the context of asking me about my  
22 boyfriend in late July of 2015, proceeding with  
23 personal questions, such as, family in India, family  
24 in Atlanta, and proceeding to ask even more  
25 questions about my sorority life, about my drinking

1 life or my --

2 **Q.** But you --

3 **MS. KRUPICKA:** Objection, Your Honor, I  
4 move to strike. She has never testified about that  
5 on direct.

6 **THE COURT:** It's overruled. You asked the  
7 question and she is answering it.

8 **BY MS. KRUPICKA:**

9 **Q.** When did Dr. Bose (sic) ask you about your  
10 personal life -- I mean, Dr. Bea?

11 **A.** Dr. Bea asked me about my personal life in  
12 late July of 2015, in September of 2015, in November  
13 of 2015, the entire semester.

14 **Q.** So according to your testimony, he said how  
15 do you spend your evenings, this is in the July of  
16 2015, he said where do you like -- what do you like  
17 to do in Memphis, do you get to hangout with your  
18 friends, do you get to hangout with your boyfriend,  
19 would you like to go to dinner with me to catch up,  
20 and to me that indicated to you that he was  
21 romantically interested in you?

22 **A.** Yes.

23 **Q.** And yet you still took his class, is that  
24 correct?

25 **A.** Yes.

1 Q. There were two other professors you could  
2 have taken Organic Chemistry II from, weren't there?

3 A. Yes. But that -- it's very difficult for me  
4 to change my classes because I was taking 19  
5 credits. So Dr. Bea's time slot was the best for me  
6 to take during the fall semester of 2015.

7 Q. And you were alone in his office with him  
8 multiple times when you took quizzes and tests, is  
9 that not correct?

10 A. Yes.

11 Q. Weren't you afraid that he was going to  
12 attack you if you were alone with him in his office?

13 A. At the beginning of the semester, when I had  
14 to take my quizzes and tests early --

15 Q. Ms. Bose, this is a yes or no question.

16 A. I'm trying to answer.

17 Q. Well, I would like a yes or no and then you  
18 can explain your answer.

19 A. Yes.

20 Q. So you thought Dr. -- Dr. Bea might  
21 physically grab you or try to kiss you while you  
22 were taking quizzes in his office, is that correct?

23 Yes or no?

24 A. No.

25 Can I explain why?

1 Q. You can say yes or no and then you can  
2 explain why.

3 A. I did not believe at the beginning of the  
4 semester that I should be afraid to take my exams  
5 and quizzes because it's an exam room quiz and no  
6 one is supposed to talk to you.

7 Q. Yes or no, Ms. Bose.

8 A. No.

9 Q. Thank you.

10 You were interviewed -- interviewed by the  
11 investigator three times -- three times prior to the  
12 hearing, is that correct?

13 A. Yes.

14 Q. At no time did you tell the investigator that  
15 Dr. Bea was falsely accusing you of cheating to  
16 retaliate against you for rejecting his advances, is  
17 that correct?

18 A. Yes.

19 Q. Okay. And when you were first asked in the  
20 hearing why Dr. Bea would falsely accuse you of  
21 cheating, your first answer was, I think that I may  
22 have done something or said something, maybe I meant  
23 it as a joke or not and you might have taken it the  
24 wrong way and now we have some bad blood. I  
25 honestly can't tell what you're thinking or why you

1 would do the things you, you're a different person  
2 than I am.

3 That was your answer, was it not?

4 **A.** That was part of my answer.

5 **Q.** That was your first answer, was it not?

6 **A.** Part of my answer.

7 **Q.** Would you like to look at the transcript and  
8 show me --

9 **A.** I know the transcript --

10 **MR. TIMMONS:** Your Honor --

11 **A.** -- that's on page 198.

12 **MS. KRUPICKA:** All right. Well --

13 **MR. TIMMONS:** I'm just going to register a  
14 running objection, the same objection that  
15 Ms. Krupicka made that the transcript speaks for  
16 itself.

17 **MS. KRUPICKA:** Your Honor, I'm trying  
18 to --

19 **THE COURT:** You know that's overruled.  
20 Go ahead and proceed.

21 **MS. KRUPICKA:** Oh, I'm sorry, Your Honor.

22 **THE COURT:** I have the exhibit here if you  
23 want to use it.

24 **MS. KRUPICKA:** I've got it, I just wanted  
25 to get my copy that's got my notes on it. Apologize



1 to the court.

2 **BY MS. KRUPICKA:**

3 **Q.** I want to bring your attention to page 194 of  
4 the transcript, could you turn to that, please.

5 Are you there?

6 **A.** Yes, ma'am.

7 **Q.** Actually I looked -- it starts on 193,  
8 Professor Bea asked you:

9 (Reading) ...would be the reason I'm doing  
10 all these things? For hurting you, for what purpose  
11 do you think?

12 And you answered: "You tell me. I don't  
13 know."

14 Is that correct?

15 **A.** Yes.

16 **Q.** And then Professor Bea says: "No, no, I'm  
17 asking you."

18 President Adolph says: "Would you like to  
19 answer his question?"

20 And you said: "I have questions for him."

21 And President Adolph says: "You have a time  
22 to ask him questions."

23 "Right, but to answer his question, I have  
24 questions for him."

25 Is that what you said?

1     **A.**       Yes.

2     **Q.**       Okay.   And then President Adolph asked you to  
3     answer his question with an answer.

4               And your complete answer to the question was:

5               "I think that I may have done something or  
6     said something.   Maybe I meant it as a joke or not,  
7     he might have taken it the wrong way and then now we  
8     have some bad blood.

9               "I honestly can't tell what you're thinking  
10    or why you do the things you do.   You're a different  
11    person that I am."

12              Is that not your complete answer to that  
13    question?

14    **A.**       That is the first part of my answer to his  
15    complete line of questioning.

16    **Q.**       There's a question after that, you stopped  
17    answering and you were asked another question.

18              So that is your complete answer to that  
19    question, is it not?

20    **A.**       Okay.

21    **Q.**       And then you were asked again, you know, by  
22    Dr. Bea, must have been something awful that I did  
23    to you, why would I do this to you, for a joke?

24              Then your answer was:   "I don't know -- I  
25    don't know how you think.   I do think we've spoken a

1 lot about many different things, your tenure, mostly  
2 professional. And, I mean, this kind of  
3 relationship between a teacher and a student should  
4 remain professional, but, I mean, we were close,  
5 so --"

6 That's what you said, right?

7 A. You -- he said something before that.

8 Q. I'm asking about your answer to his question,  
9 what you said?

10 A. It started with, I don't know, and I started  
11 to talk about --

12 THE COURT: Excuse me, Ms. Bose, you're  
13 going to have to answer her questions.

14 Now you will have an opportunity to  
15 explain, but you have to answer her question. Okay.

16 THE WITNESS: Sorry.

17 THE COURT: All right.

18 A. Yes.

19 Q. And you said, I mean, we were close.

20 Is that what you said?

21 A. Yes.

22 Q. You described yourself as being close with  
23 Dr. Bea, is that correct?

24 A. I was cut off.

25 Q. Did you or did you not say we were close?

1     **A.**       I say we were close, but I was cut off from  
2 further explanation.

3     **Q.**       My question is, did you say we were close?

4               **MR. TIMMONS:** Your Honor --

5     **A.**       Yes.

6               **MR. TIMMONS:** -- asked and answered. She  
7 said that she said it and then she tried to make an  
8 explanation, she is permitted to do that.

9               **THE COURT:** I understand.

10              Go ahead and answer and you will have an  
11 opportunity to explain.

12     **A.**       Yes, it says we are close.

13     **Q.**       Was that truthful, that you were close with  
14 Dr. Bea?

15     **A.**       Can you define close?

16     **Q.**       Well, what did you mean?

17     **A.**       I just meant that I talked to Dr. Bea a lot  
18 about school, so it was more than just I'm going to  
19 your class and I'm leaving your class.

20     **Q.**       You engaged in causal conversations with him,  
21 correct?

22     **A.**       I engaged in academic conversations with him.

23     **Q.**       So he never -- he never -- you never told him  
24 anything about your family, anything about how your  
25 day was, anything about that?

1     **A.**       He asked me about my family. No, I didn't  
2     respond.

3     **Q.**       You didn't tell him anything about your  
4     family?

5     **A.**       I said I'm from -- my family is from India  
6     and I'm from Atlanta. But I didn't go into the  
7     details of the individuals of my family.

8     **Q.**       And so when Dr. Bea would ask you a causal  
9     question like that, would you -- would you be  
10    affronted, would you think it was too personal?

11    **A.**       He was asking those questions after he  
12    already got personal. Any questions that happened  
13    after July -- late July of 2015 I was already  
14    sensitive to.

15    **Q.**       And yet you describe yourself as close to him  
16    in this hearing, is that correct?

17    **A.**       Yes.

18    **Q.**       And you did bring up these allegations  
19    against Dr. Bea in your -- prior to your closing  
20    statement, did you not?

21    **A.**       I'm sorry, could you repeat that?

22    **Q.**       Did you ask Dr. Bea a series of questions  
23    designed to elicit his recollection of the meeting,  
24    the alleged meeting in the parking lot in the summer  
25    and other conversations in which you claimed you

1 asked him not to talk about your boyfriend?

2 **A.** Yes. I asked him questions about whether he  
3 remembered specific encounters.

4 **Q.** In fact, you were reading from a typewritten  
5 list of questions when you asked him those, were you  
6 not?

7 **A.** What -- I had made some questions.

8 **Q.** And those were on the typewritten sheet that  
9 you were reading from, isn't it true?

10 **A.** If I read questions, it was from whatever I  
11 had brought to the hearing.

12 **Q.** So you, in advance of the hearing, had  
13 already determined to ask Dr. Bea questions about  
14 what happened -- allegedly happened in the parking  
15 lot that summer, it wasn't in the middle of the  
16 hearing it suddenly hit you that this was the  
17 reason?

18 **MR. TIMMONS:** Objection, was that a --

19 **BY MS. KRUPICKA:**

20 **Q.** Isn't that true?

21 **A.** No.

22 **Q.** So it just -- you never even thought about  
23 the idea that he was coming after you because you  
24 rejected his advances, yet you had questions about  
25 his advances, his alleged advances on a typewritten

1 sheet that you had prepared in advance of the  
2 hearing, is that not correct?

3 **MR. TIMMONS:** Your Honor, I'm going to  
4 object. It assumes facts not in evidence.

5 **THE COURT:** That's -- that's overruled.

6 **A.** I can't begin to explain to you my mentality  
7 of trying to figure out --

8 **Q.** I didn't ask you about your mentality,  
9 Ms. Bose, I asked you whether or not you had  
10 prepared those questions in advance of the hearing?

11 **A.** I had questions to ask him about that --

12 **Q.** That's a yes or no question and then you can  
13 explain.

14 **A.** Okay. It's yes and no.

15 **Q.** Did you prepare the questions about Dr. Bea's  
16 alleged behavior in advance of the hearing?

17 **A.** Yes.

18 **Q.** Thank you.

19 **A.** But --

20 **THE WITNESS:** Can I explain?

21 **THE COURT:** Go ahead.

22 **A.** Okay. You're getting at that I had a list of  
23 questions. The questions I asked, the questions I  
24 typed, they weren't questions, they were prompting  
25 for me, it was a word here and there, kind of like

1 did he have a camera, was the -- was the answer  
2 sheet in his possession only.

3 And then I might have thought about it, but  
4 to be honest with you, when I heard him say that, it  
5 was during the hearing when I figured it out. I  
6 cannot accuse a teacher in front of --

7 **THE COURT:** All right. Now you are going  
8 beyond the question she asked you. It was only  
9 about the prepared questions. Okay.

10 **A.** I did not make a list of questions about each  
11 of those incidents. I simply stated on the paper,  
12 mention it, ask about it.

13 **Q.** Okay. Let me turn -- have you turn to page  
14 212 of the transcript.

15 Are you there?

16 **A.** Yes, ma'am.

17 **Q.** There's a question at the bottom of the page.

18 Ms. Bose: You asked me before what I thought  
19 or what I think you would, why I believe my fake  
20 answer -- my answers matched your fake answers. I'm  
21 going to ask you a few questions that might bring to  
22 light perhaps what could have happened that's  
23 different.

24 Is that what you said?

25 **A.** Yes.



1 Q. And you were reading from your list of  
2 prompts at that point, is that correct, when you  
3 asked those questions?

4 A. No. I had written those questions down when  
5 I started thinking about it after --

6 Q. In the middle of the hearing?

7 A. In the middle of the hearing along with the  
8 prompts before the hearing.

9 Q. So there was nothing on your paper about  
10 Dr. -- Dr. Bea acting inappropriately towards you,  
11 you just thought of it in the middle of the hearing,  
12 is that correct?

13 A. I already stated that I had written -- I had  
14 written to acknowledge it and to bring it up.

15 Q. Okay. In your closing statement you made  
16 reference to the fact that you believed Dr. Bea had  
17 made inappropriate advances to you, and that after  
18 you told him you didn't want to be personal with  
19 him, you thought he had -- he had retaliated against  
20 you, is that correct, in your closing statement?

21 A. Yes.

22 Q. Okay. And you've testified that Ms. Adolph  
23 would not permit you to call your friend to  
24 corroborate some of your testimony about Dr. Bea's  
25 actions, is that correct?

1     **A.**       Yes.

2     **Q.**       Didn't that conversation occur after the  
3     hearing had ended when everyone was gone?

4     **A.**       I'm not sure what break it was.

5     **Q.**       Well, the hearing had concluded, had it not?

6     **A.**       It concluded with my closing statement, yes.

7     **Q.**       Okay. And the hearing lasted over five  
8     hours, did it not?

9     **A.**       Yes.

10    **Q.**       You were permitted to call your tutor, right,  
11    your classmate, Ms. Dezfuli, she testified directly  
12    about the tests.

13            You didn't ask Ms. Dezfuli at that time to  
14    corroborate your allegations against Dr. Bea, did  
15    you?

16    **A.**       No. Because I wasn't sure whether that was  
17    the reason or not.

18    **Q.**       Okay. But you didn't ask her anything about  
19    it while she was there testifying, is that correct?

20    **A.**       No.

21    **Q.**       Okay. And you called your -- your chemistry  
22    tutor from Georgia, he drove up for the event, is  
23    that correct?

24    **A.**       Yes.

25    **Q.**       You called, actually called telephonically

1 two chemistry Ph.D.'s who offered online tutoring  
2 service to try to explain how you could have gotten  
3 the answers to the test without cheating, is that  
4 correct?

5 **A.** Yes.

6 **Q.** And you tried to call two additional ones,  
7 but they didn't answer their phones, is that right?

8 **A.** Yes.

9 **Q.** And one of the professors was Dr. Shimkus, is  
10 that correct?

11 **A.** Yes.

12 **Q.** When Dr. Shimkus was asked how to explain the  
13 fact that your wrong answers was the same as the  
14 fake answer key prepared by Dr. Bea, he said, well,  
15 if everything is completely identical, I must admit  
16 that this does raise a red flag, did he not say  
17 that?

18 **MR. TIMMONS:** Your Honor, I'm going to  
19 object at this point.

20 Ms. Krupicka objected vociferously to my  
21 continuous recitation of the contents of this  
22 transcript. And I agreed that I wasn't going to do  
23 that. And I only addressed a couple of very limited  
24 portions of the transcript. And now Ms. Krupicka is  
25 doing exactly what she didn't want me to do.

1           So I'm going to object that the transcript  
2 speaks for itself, and that if she has anything else  
3 is made, absent the specific things that Ms. Bose  
4 testified about, aren't proper questions for this  
5 witness.

6           **MS. KRUPICKA:** This is cross examination,  
7 Your Honor.

8           **THE COURT:** I don't about -- I understand  
9 it's cross, but I did limit him in asking that in  
10 light of the objection.

11           How much more are you going to deal with  
12 as far as the transcript is concerned?

13           **MS. KRUPICKA:** I don't think much else,  
14 Your Honor.

15           **THE COURT:** Okay. What do you mean by  
16 "much else?"

17           **MS. KRUPICKA:** I want refer to it anymore,  
18 Your Honor.

19           **THE COURT:** Okay, then let's move forward.

20 **BY MS. KRUPICKA:**

21 **Q.** In the theory you offered at the hearing  
22 about the allegations was that Dr. Bea knew so well  
23 how you thought that he could have designed the quiz  
24 in ways that you would give the wrong answers on  
25 his -- on his test -- on his fake answer key, is

1 that correct?

2 **MR. TIMMONS:** Same objection, Your Honor.

3 **THE COURT:** I don't think -- are you  
4 referring to the transcript?

5 **MS. KRUPICKA:** No.

6 **THE COURT:** Okay. You're just referring  
7 to her theory?

8 **MS. KRUPICKA:** Yes.

9 **THE COURT:** Overruled.

10 **MR. TIMMONS:** Objection withdrawn.

11 **A.** Yes.

12 **Q.** But that theory did not explain how your  
13 answers could match Dr. Bea's fake answer key on  
14 every question without accessing Dr. Bea's computer,  
15 did it?

16 **A.** No. And I myself stated that as a whole it  
17 was bizarre, that I never looked at his computer, I  
18 never seen that false answer key before the hearing,  
19 so I didn't know what to think.

20 **Q.** So it was just an amazing coincidence that  
21 you got exactly the wrong answers on your quiz that  
22 were on Dr. Bea's fake answer key?

23 **A.** No, it's not an amazing coincidence because  
24 he had no proof that I physically answered his -- I  
25 physically accessed his computer.

1 Q. What are the odds that your answers would be  
2 the same as the fake answer key if you didn't access  
3 the answer key on his computer?

4 A. That means he changed it, that's the odds.

5 Q. That's not my question. I'm talking about  
6 what are the odds that you and Dr. Bea would have  
7 the exact wrong answers to the quiz if you didn't  
8 access his computer?

9 A. Because I didn't access his computer, there  
10 are no odds for me to consider.

11 Q. Well, that's your -- your word. But, in  
12 fact, there's no explanation other than cheating for  
13 the reason that your answer key matched his fake --  
14 your answers matched his fake answer key, is that  
15 not correct?

16 A. I don't care about the fake answer key  
17 because I never saw it. The odds don't --

18 Q. How can you say that when your answers are  
19 identical to what's on there -- what's on the answer  
20 key?

21 A. You're asking me a question because you're on  
22 the opposing side, but you are not hearing the  
23 facts. I didn't see it.

24 Q. So how did you come up with the identical  
25 answers?

1     **A.**       I didn't come up with identical answers, I  
2     came up with my answers.

3     **Q.**       Which were wrong in exactly the same way as  
4     Dr. Bea's answer key were wrong, is that right?

5     **A.**       That's what he's saying. But they were --

6     **Q.**       Well, aren't they wrong in exactly the way  
7     that Dr. Bea's answer key was -- fake answer key  
8     was?

9     **A.**       He's the one that says I was wrong --

10    **Q.**       Yes or no, Ms. Bose?

11    **A.**       -- I never -- I never --

12    **Q.**       Were they -- were they the same wrong answers  
13    as on Dr. Bose -- Dr. Bea's answer key?

14    **A.**       The answer key that he says is fake --

15    **Q.**       Yes or no?

16    **A.**       They're exactly the same as the answer key  
17    that he created and planted for me, but I never saw  
18    it.

19    **Q.**       But somehow they're the same, is that right?

20    **A.**       Well, he had custody of my quiz.

21    **Q.**       What does that mean?

22    **A.**       It means I didn't have my quiz, I didn't have  
23    his computer.

24    **Q.**       So was that not your handwriting on Quiz  
25    Number 5?

1   **A.**       It is my handwriting because I took the quiz  
2   and I answered the questions to the best my ability.  
3   I took it early. Those are the facts. That's what  
4   happened.

5   **Q.**       Okay.

6   **A.**       I did it exactly like I did every other quiz  
7   and every other test.

8   **Q.**       Prior to Quiz 5 you had a 106 average in the  
9   class, including bonus points, is that correct?

10   **A.**       A 106 -- according to Dr. Bea that's what he  
11   calculated. I haven't confirmed whether that is  
12   true or not. I haven't calculated it myself.

13   **Q.**       Do you think -- we looked at all the tests,  
14   is there any reason to conclude that any of those  
15   tests are false?

16   **A.**       My original test that I submitted are  
17   accurate, but they're inconsistent with the grades  
18   that he put down in his electronic grade --

19   **Q.**       That's not my any question.

20            My question is, what was your actual average  
21   in the class, your tests have been introduced into  
22   evidence, does that not indicate that you had a  
23   hundred and six average in the class?

24   **A.**       I haven't calculated it myself.

25   **Q.**       Well, you had a high average, did you not?



1     **A.**       Yes, I was doing very well, I worked hard.

2     **Q.**       And yet suddenly on Quiz Number 5 you got  
3 every answer wrong but one, is that right?

4     **A.**       I don't know. He never graded my test.

5     **Q.**       You've seen the real answer key and you've  
6 seen the fake answer key, you know what questions  
7 are right and what are wrong --

8     **A.**       I know what questions --

9     **Q.**       -- isn't that true?

10    **A.**       -- he says are wrong and I know what  
11 questions he says are right.

12    **Q.**       So is it your testimony that actually the  
13 questions on Quiz Number 5 your answers were correct  
14 and he's just saying they're wrong?

15    **A.**       I don't know because I didn't grade my test.

16    **Q.**       You have your test though?

17    **A.**       Yes.

18    **Q.**       Well, are your answers wrong or right or do  
19 you not know?

20               **MR. TIMMONS:** Object. Asked and answered.

21               **MS. KRUPICKA:** It hasn't been answered.

22               **THE COURT:** I will allow this answer, go  
23 ahead.

24    **A.**       I made mistakes on each question, some of  
25 them worse than others. But I didn't miss

1 everything, I would have gotten partial credit on  
2 all of those answers.

3 Q. Okay. So are you saying that your answers  
4 were -- you looked at yours answers closely enough  
5 to determine if they're right or wrong, is that  
6 correct?

7 A. Yes.

8 Q. Okay. Are you saying that the points on the  
9 quiz that you actually would have gotten a good  
10 grade on the quiz if they -- the points had been  
11 added correctly?

12 A. No, I'm not saying -- it would have scored  
13 lower than I usually did.

14 Q. Well, you got every answer wrong but one,  
15 isn't that correct?

16 A. I would argue, if I may, that I didn't get  
17 every question wrong. I think that my answer to the  
18 bonus was perfectly acceptable, but because the quiz  
19 wasn't graded, I don't know.

20 I did get some completely wrong. But  
21 depending on how the quiz is graded, it's up in the  
22 air. I could have gotten three correct, I could  
23 have gotten two correct, but it depends.

24 Q. But the fact is that your answers on the quiz  
25 matched Dr. Bea's fake answer key, is that correct?

1     **A.**       Or if his fake answer key matches my quiz.

2     **Q.**       What proof do you have that he created the  
3     answer key after the fact, what proof of any of  
4     that?

5     **A.**       The same amount of proof that you have the  
6     key, created it before or after, that wasn't brought  
7     up in the hearing.

8     **Q.**       No, it wasn't, was it?

9               In fact, this theory just came up in your  
10    complaint in this lawsuit, is that correct?

11    **A.**       No. I actually state in my hearing, it's on  
12    the hearing transcript on page 200, right after  
13    Dr. Bea said be careful. On page 200, I asked when  
14    was the quiz last modified. And he again taunted to  
15    me with let me bring my computer, let me show you.

16              But the fact of the matter is, you can do  
17    anything with your computer and you can modify  
18    dates, times, it's up in the air.

19              I never saw that answer key. I answered  
20    those questions. If I made errors or mistakes, it  
21    was because I was rushing and I make mistakes.

22    **Q.**       So Dr. -- Dr. Bea, even though the screenshot  
23    that was introduced at the hearing so that he -- it  
24    was created on 11-26-15 and modified on  
25    December 2nd, 2016, I mean, 2015, he changed that,

1 is that right?

2 **A.** There's no modification date --

3 **MR. TIMMONS:** Objection --

4 **A.** On that screenshot --

5 **THE COURT:** Hold -- hold on just one  
6 moment.

7 What's your objection?

8 **MR. TIMMONS:** That assumes facts not in  
9 evidence. There is no digital document here showing  
10 metadata for when this file was created or not  
11 created.

12 **MS. KRUPICKA:** I didn't ask her about  
13 digital metadata, I asked about the screenshot that  
14 was in the investigator's packet. And I will be  
15 happy to introduce that into evidence, Your Honor.

16 **THE COURT:** All right. Let's take a look  
17 at it.

18 **BY MS. KRUPICKA:**

19 **Q.** The first page on -- what I've just handed  
20 you has already been marked as an exhibit, is that  
21 correct?

22 **A.** Yes.

23 **THE COURT:** Which exhibit are we talking  
24 about?

25 **MS. KRUPICKA:** Exhibit 1, I believe, Your

1 Honor.

2 **THE COURT:** All right.

3 **A.** No. This is Exhibit 3 or 4.

4 **MS. KRUPICKA:** 4.

5 I'm sorry, Your Honor.

6 **BY MS. KRUPICKA:**

7 **Q.** And in Exhibit 4, which is from Regan Adolph,  
8 it says your case packet is also attached, is that  
9 correct?

10 **A.** Can you please tell me what paragraph you're  
11 in?

12 **Q.** The second full paragraph, the very last  
13 sentence?

14 **A.** Okay. I'm with you.

15 Yes, it's a fact.

16 **Q.** And, in fact, behind the e-mail is the case  
17 packet, is that correct?

18 **A.** Yes.

19 **Q.** Did you receive that case packet along with  
20 this e-mail from Ms. Adolph?

21 **A.** Yes.

22 **Q.** Yes, you did?

23 **A.** Yes. Yes.

24 **Q.** And in this case packet there's actually a  
25 summary of the presenting information that caused

1 the Honor Council to have the hearing, is that  
2 correct?

3 **A.** Yes.

4 **Q.** And, in fact, the summary tells you in detail  
5 why Dr. Bose (sic) -- Dr. Bea suspected you of  
6 cheating and why he suspected you of cheating, is  
7 that not correct?

8 **MR. TIMMONS:** Your Honor, I'm going to  
9 object to hearsay. The case packet that she  
10 described is a series of notes about the hearing  
11 itself.

12 We have a complete transcript of the  
13 hearing. The notes that the Honor Council took are,  
14 first of all, hearsay; secondly, they're not the  
15 best evidence. The best evidence is the hearing  
16 transcript or the recording, which we have.

17 So that's my objection.

18 **MS. KRUPICKA:** Your Honor, this witness  
19 testified that she had no idea about the details of  
20 the cheating allegations against her until the  
21 hearing.

22 **THE COURT:** What's the date of the  
23 documents that you passed forward?

24 **MS. KRUPICKA:** December 14th, Your Honor,  
25 three days before the hearing.

1           **THE WITNESS:** I said before that I  
2 received this packet two days before the hearing and  
3 that was the first time that I received any specific  
4 allegation.

5           **THE COURT:** I remember her testifying  
6 about that.

7           So, if we can get her to identify the  
8 documents, we will go ahead and introduce them.

9           **MS. KRUPICKA:** Certainly.

10 **BY MS. KRUPICKA:**

11 **Q.** And is this the packet that you were given on  
12 December 14th?

13 **A.** Yes.

14 **Q.** Okay.

15           **THE COURT:** Are you moving its -- its  
16 introduction?

17           **MS. KRUPICKA:** Yes, Your Honor, I would  
18 move that it be introduced.

19           **THE COURT:** Okay.

20           **MR. YOUNG:** I'm still going to object that  
21 it's hearsay.

22           **THE COURT:** Well, I understand, but I'm  
23 going to overrule it in light of her previous  
24 testimony as well as the cross, we're going to go  
25 ahead and receive -- 14?

1           **THE CLERK:** Fourteen.

2           **THE COURT:** Okay. It will be marked as  
3 Exhibit Number 14.

4           Ms. Krupicka, if you could get the  
5 document so Mr. Herrin can mark it, I would  
6 appreciate it.

7           If you could, please, get the documents  
8 and have Mr. Herrin mark it.

9           **MS. KRUPICKA:** Sure.

10          She has taken it apart.

11          So I will give it back to you when I have  
12 finished.

13          If that is okay.

14          (Exhibit Number 14 was marked;  
15 Description: Packet.)

16 **BY MS. KRUPICKA:**

17 **Q.** So there's a photograph of a screenshot in  
18 the packet, is that correct?

19          It's about the third, fourth or fifth page  
20 from the back.

21 **A.** Yes, I'm on it.

22 **Q.** Okay.

23           **MR. TIMMONS:** May I -- can I just be clear  
24 on what we're -- all right.

25           **THE WITNESS:** It's this desktop, Your



1 Honor.

2 **BY MS. KRUPICKA:**

3 **Q.** And that was in the package, is that correct?

4 **A.** Yes.

5 **Q.** And that shows a desktop icon with the fake  
6 answer key on it, is that correct?

7 **A.** I -- yes. Yes.

8 **Q.** Dr. Bea so testified at the -- at the  
9 hearing, did he not?

10 **A.** Yes, but this is the desktop that he gave to  
11 the investigator, Mitch Trychta.

12 **Q.** In fact, it was Dr. Bea's practice not to log  
13 out of his laptop when he left his office, isn't  
14 that correct?

15 **A.** That's what he says.

16 **Q.** So that if he didn't, if he didn't log out,  
17 you wouldn't need a password to get on his computer,  
18 is that correct?

19 **A.** That is correct. But I don't know how he  
20 uses his computer.

21 **Q.** Well, all you would have to do is get on it  
22 and see that he hadn't logged out, right?

23 **A.** I don't have any reason to be on his  
24 computer.

25 **Q.** Except to get the answers to the quiz?

1     **A.**       But I didn't get the answers to the quiz.

2     **Q.**       Do you recall making a statement in the Honor  
3     Council proceeding that, I think to intentionally  
4     create a fake answer key is to know your student is  
5     able to access your answer key?

6     **A.**       Yes.

7     **Q.**       So, you think --

8     **A.**       May I elaborate?

9     **Q.**       Sure.

10    **A.**       May I elaborate?

11    **Q.**       I was about to ask you.

12    **A.**       To intentionally create a fake answer key is  
13    to know that your student has access to an answer  
14    key which means you're putting your student in an  
15    environment intentionally to have access to  
16    documents that shouldn't be available to anybody.

17    **Q.**       But they were and you --

18    **A.**       -- but that's all --

19    **Q.**       -- took advantage of that, isn't that true?

20               **MR. TIMMONS:** Objection, Your Honor,  
21    she's --

22    **A.**       -- it wasn't --

23               **THE COURT:** Hold on just one moment.  
24               Yes, sir, I'm sorry.

25               **MR. TIMMONS:** She is in the middle of

1 answering her question. Ms. Krupicka interrupted  
2 her. I just ask that she be given the opportunity  
3 to finish her answer.

4 **THE COURT:** Well, I will allow her finish  
5 her answer, but I thought she had finished it and  
6 Ms. Krupicka had asked the next one.

7 But you may finish your answer and then  
8 listen to her next question.

9 **THE WITNESS:** Yes, Your Honor.

10 **THE COURT:** Go ahead and ask your next  
11 question, Ms. Krupicka.

12 **BY MS. KRUPICKA:**

13 **Q.** Was your adviser present during the Honor  
14 Council hearing?

15 **A.** My Honor Council adviser?

16 **Q.** Yes.

17 **A.** Yes.

18 **Q.** Okay. Did you seek his or her advice during  
19 the hearing?

20 **A.** Are you allowed to do that? I -- I wasn't --

21 **Q.** Your Honor Council adviser?

22 **THE COURT:** Just answer the question --

23 **A.** No, I did not, I did not seek her advice.

24 **Q.** Okay. Now your appeal letter extensively  
25 discusses your allegations against Dr. Bea in terms

1 of inappropriate conduct, is that not correct?

2 **A.** Yes.

3 **MS. KRUPICKA:** May I approach the witness,  
4 Your Honor?

5 **THE COURT:** Go ahead.

6 **A.** Thank you.

7 **Q.** If you would turn to -- well, I guess the  
8 easiest thing to do, can you find the appeal -- your  
9 appeal letter prepared by your attorney in the  
10 packet and go to that.

11 **THE COURT:** Is this in evidence already?

12 **MS. KRUPICKA:** No, Your Honor.

13 **THE COURT:** Okay. We need to get the  
14 witness to identify the document. See if there is  
15 any objection, get them mark and then we can  
16 proceed.

17 **MS. KRUPICKA:** I'm sorry, Your Honor.

18 **MR. TIMMONS:** No objection to the appeal  
19 packet, Your Honor.

20 **THE COURT:** All right. I'm assuming  
21 you're asking that they be introduced?

22 **MS. KRUPICKA:** Yes, Your Honor.

23 **THE COURT:** All right. Then we will go  
24 ahead with the documents that the witness has, we  
25 will go ahead and admit them in essence as a

1 collective exhibit, Number 15.

2 (Exhibit Number 15 was marked;

3 Description: Appeal packet.)

4 **BY MS. KRUPICKA:**

5 **Q.** Now as part of that appeal packet is your  
6 appeal letter to the Faculty Appeals Committee  
7 prepared by your attorney, is that correct?

8 **A.** Yes, ma'am.

9 **Q.** All right. And that letter devotes several  
10 pages to discussing your allegations of  
11 inappropriate conduct against Dr. Bea, is that  
12 correct?

13 **A.** Yes.

14 **Q.** And this was the packet that was submitted to  
15 the Faculty Appeals Committee in advance of the  
16 hearing, is that correct?

17 **A.** Yes.

18 **THE COURT:** I would like to get the date  
19 of when it was transmitted.

20 **BY MS. KRUPICKA:**

21 **Q.** This is -- this is an e-mail, it was  
22 transmitted to you via e-mail from Dean Blaisdell,  
23 is that correct?

24 **A.** This entire package?

25 **Q.** Yes.

1     **A.**       Yes.

2     **Q.**       And the e-mail is dated January 21st, 2016,  
3     is that right?

4     **A.**       Yes.

5     **Q.**       And the Faculty Appeals Committee hearing was  
6     held on January 28th, is that correct?

7     **A.**       Yes.

8     **Q.**       I would like to hand the witness a document  
9     that was prepared as a transcript of the proceedings  
10    before the Faculty Appeals Committee.

11           Do you identify it as such?

12    **A.**       Yes.

13           **MS. KRUPICKA:** I would like to have that  
14    marked as the next exhibit, Your Honor.

15           **MR. TIMMONS:** No objection.

16           **THE COURT:** All right. Then we will  
17    receive it.

18           That will be number 16.

19           (Exhibit Number 16 was marked;  
20    Description: Transcript.)

21    **BY MS. KRUPICKA:**

22    **Q.**       Now at the Faculty Appeals Committee hearing  
23    you presented new evidence, is that correct,  
24    evidence that was not heard by the Honor Council?

25    **A.**       Yes.

1 Q. And that new evidence consisted of the  
2 quizzes you said you had lost, is that correct?

3 A. The quizzes and the exams that I had lost  
4 from many classes.

5 Q. Okay. And you said that you had lost the --  
6 these quizzes and tests at the airport, is that  
7 correct, over the Thanksgiving break?

8 A. I lost them while traveling, I switched  
9 flights three times, so I'm not sure whether it was  
10 an airport or a flight that I left my bag at.

11 Q. Okay. But this is when you were traveling  
12 with your family back to and from Hawaii during the  
13 Thanksgiving break, is that correct?

14 A. I was traveling by myself.

15 Q. Were you going to and from Hawaii?

16 A. Yes.

17 Q. Okay. And you represented to the Faculty  
18 Appeals Committee hearing that this -- that a  
19 package containing these missing tests and quizzes  
20 was delivered to your house the day before the  
21 Faculty Appeals Committee hearing, is that correct?

22 A. I'm not sure what day it was, but it was  
23 delivered to my house and my father received the  
24 package.

25 Q. Right.

1           And your father brought it to Memphis with  
2 him from Atlanta, is that correct?

3     **A.**       Yes.

4     **Q.**       So it -- and just to be sure the court is  
5 clear on this, the package is delivered to your home  
6 in Atlanta, is that correct?

7     **A.**       Yes.

8     **Q.**       Was it right before the hearing that it was  
9 delivered?

10    **A.**       Yes.

11    **Q.**       Okay. And there was no -- no indication of  
12 who had sent it to you, is that correct?

13    **A.**       No -- there was a note just telling me to  
14 study well.

15    **Q.**       It was not signed, is that correct?

16    **A.**       No, the note was not signed. As I stated  
17 previously, an anonymous person sent me my testing  
18 quizzes back.

19    **Q.**       Okay. And do you recall during the Faculty  
20 Appeals Committee hearing you were asked by one of  
21 the members of the -- of the committee if the  
22 purpose of introducing the tests was to refute  
23 Dr. Bea's claim that he was a careful recordkeeper  
24 and you answered yes, is that correct?

25    **A.**       Yes, I answered yes.



1 But --

2 **THE WITNESS:** May I elaborate, Your Honor?

3 **MS. KRUPICKA:** Your Honor, I don't have a  
4 question --

5 **THE COURT:** Just go ahead and ask your  
6 next question.

7 Your lawyer will have an opportunity to  
8 question you again if he so desires.

9 **BY MS. KRUPICKA:**

10 **Q.** So the Faculty Appeals Committee had the  
11 allegations you made against Dr. Bea in full, is  
12 that correct, at the time of the hearing?

13 **A.** Yes, but they never asked me about it.

14 **Q.** But they were -- it was submitted to the  
15 Faculty Appeals Committee in your appeals packet, is  
16 that correct?

17 **A.** Yes, the faculty was aware.

18 **Q.** Okay. So is -- is Oglethorpe University  
19 going to expel if you are not successful in this  
20 lawsuit?

21 **A.** I do not know the details of my provisional  
22 agreement. All I know is that I'm supposed to keep  
23 them informed on the progress, and as long as I  
24 continue to keep doing my work and be a good  
25 student, I will graduate.

1 Q. Okay. So there's no -- there's no  
2 contingency on the outcome of this lawsuit in terms  
3 of your matriculating at Oglethorpe, is that  
4 correct?

5 A. That is correct.

6 Q. And how old are you, Ms. Bose?

7 A. I just turned 21.

8 Q. So you were 20 when -- when the events that  
9 are the subject of this lawsuit occurred, is that  
10 correct?

11 A. That's correct.

12 Q. Did you consider yourself an adult at that  
13 time?

14 A. Legally I am an adult.

15 Q. Okay. Are you saying that you -- that --  
16 that sounds like a but to me?

17 A. It's not a but, legally I am an adult.

18 Q. Okay. Do you consider yourself an adult?

19 A. I consider myself a student that is  
20 subordinate to a professor who is in a more  
21 authority --

22 MS. KRUPICKA: Objection, Your Honor,  
23 non-responsive.

24 THE COURT: You are going beyond the  
25 question that she asked you.

1                   Just answer her questions and we can get  
2 through this.

3     **A.**        I'm an adult.

4     **Q.**        Did you meet with Dr. Bea after you received  
5 the Honor Council packet but before the hearing?

6     **A.**        Yes.

7     **Q.**        You went to his office alone, is that  
8 correct?

9     **A.**        Because he told me to.

10    **Q.**        You -- he told you to come see him, is that  
11 right, after you received the Honor Council packet?

12    **A.**        On Monday, December the 7th -- 7th I was in  
13 Class. He handed back all the quizzes to everybody  
14 else but me and in front of the whole class he said,  
15 Prianka, since you took your quiz early, I didn't  
16 bring it down, so, please see me after class.

17    **Q.**        And did you see him after class?

18    **A.**        Yes, because I thought he was going to give  
19 me my quiz.

20    **Q.**        And didn't you ask him what -- what was all  
21 this about in terms of the Honor Council?

22    **A.**        I did.

23    **Q.**        Okay. And he said I can't talk to you about  
24 it, isn't that right?

25    **A.**        He said I don't know what to say. You will

1 find out shortly. When is your meeting with the  
2 investigator.

3 Q. Okay. And you weren't afraid to go to his  
4 office alone at that time, were you?

5 A. I was afraid. I'm -- I was scared. I just  
6 got accused of being -- of cheating from a man who I  
7 didn't want anything to do with at that point. But  
8 he told me to come, so I wanted my quiz --

9 Q. Okay.

10 A. -- so I went. He's still my professor. I'm  
11 not ignoring him. I still have two weeks with him  
12 because I have to take the final. I have one more  
13 class with him after Monday the 7th.

14 Q. Well, you, in fact, took your final with  
15 another professor, did you not, at your request?

16 A. Yes --

17 Q. Okay.

18 A. -- because I didn't want to be in the same  
19 room with him. He told me himself that he didn't  
20 want me coming around him anymore.

21 MS. KRUPICKA: Your Honor, I think she has  
22 answered my question.

23 THE COURT: Go ahead and ask your next  
24 one.

25 MS. KRUPICKA: That was my last question,

1 Your Honor.

2 **THE COURT:** All right, thank you.

3 And is there any redirect?

4 **MR. TIMMONS:** Just a little bit, Your  
5 Honor.

6 **REDIRECT EXAMINATION**

7 **BY MR. TIMMONS:**

8 **Q.** Ms. Bose, did -- I want to be clear about  
9 something because I didn't quite understand your  
10 answer and Ms. Krupicka's question.

11 Ms. Krupicka asked you whether you advised  
12 the Honor Council investigator, not the Honor  
13 Council, but the investigator prior to the hearing,  
14 that you suspected that there was a link between  
15 Dr. Bea's accusations of cheating and your  
16 confrontation of him about what you perceived as --  
17 as unwelcomed advances.

18 Did you advise the investigator of that or  
19 did you only bring that up in the hearing?

20 **A.** I only brought that up in the hearing.

21 **Q.** Okay. Ms. Krupicka asked you about your  
22 notes that you prepared for the hearing, and asked  
23 specifically whether you had prepared questions  
24 about Dr. Bea's conduct towards you in those notes.

25 Can you describe for the court what, if

1 anything, was in those pre-prepared notes about the  
2 allegations that Dr. Bea made unwelcomed advances  
3 towards you?

4 **A.** The only pre-prepared aspect of those notes  
5 was that I had a typed up piece of paper without  
6 four or five questions on it relating to the first  
7 four to five, six questions that I state in the  
8 transcript. Everything else I had handwritten  
9 midway through the actual hearing.

10 **Q.** So is it your testimony that you didn't  
11 pre-prepare any questions for Dr. Bea about that  
12 interaction between you and Dr. Bea in July or in  
13 November?

14 **A.** No.

15 **Q.** No, you did not?

16 **A.** No, I did not have any questions typed up  
17 before the hearing.

18 **Q.** All right. Ms. Krupicka asked you about  
19 evidence submitted that the answer key that Dr. Bea  
20 provided and claimed was your fake answer key was  
21 made prior to you taking Quiz 5.

22 Was -- and I believe through a screenshot, I  
23 think that was --

24 **MR. TIMMONS:** Was that marked individually  
25 or was that just part of the packet?

1           **MS. KRUPICKA:** It was part of the packet.

2           **MR. TIMMONS:** Okay.

3           Could I ask that the witness be passed --

4           **THE WITNESS:** I have -- I have it.

5           **THE COURT:** Are you talking about the  
6 transcript of the appeal hearing?

7           **MR. TIMMONS:** No. Maybe it wasn't marked.

8           Well, I'm going to pass you a document.

9           **THE COURT:** Because that's -- because  
10 that's the one that was not passed to the clerk to  
11 get it mark as Exhibit 16.

12           **MR. TIMMONS:** Okay, this document.

13 **BY MR. TIMMONS:**

14 **Q.** Ms. Bose, you have this document, correct?

15 **A.** Yes.

16 **Q.** Okay. This screenshot that purports to  
17 shoot -- that Ms. Krupicka indicated shows the fake  
18 answer key.

19 Do you see a fake answer key on this  
20 document?

21 Or do you see any -- anything that purports  
22 to be an answer key on this document?

23 **A.** Only because it was pointed out to me at the  
24 hearing.

25 **Q.** As we sit here today, do you see that

1 document?

2 **A.** It's in the middle.

3 **Q.** Right about here (indicating)?

4 **A.** Yes.

5 **MR. TIMMONS:** Your Honor, can I approach  
6 the Elmo?

7 **THE COURT:** Please do.

8 **MR. TIMMONS:** Make this a little bit  
9 easier for everybody.

10 **BY MR. TIMMONS:**

11 **Q.** All right. Is this the document -- the icon  
12 that you believe purports to be the fake answer key?

13 **A.** Yes.

14 **Q.** Do you see a date anywhere on that?

15 **A.** No.

16 **MR. TIMMONS:** Actually, Your Honor, there  
17 is a date on it.

18 **BY MR. TIMMONS:**

19 **Q.** Can you read the date?

20 **A.** That date is the date the screenshot was  
21 taken, not the date that anything was made.

22 **Q.** Right, I understand it's not, but when was  
23 the screenshot taken according to this --

24 **A.** Before, two days after I took my quiz.

25 **Q.** Okay.



1                   **MR. TIMMONS:** That's all I have, Your  
2 Honor.

3                   **THE COURT:** Thank you.  
4 I do allow recross.  
5 Anything further?

6                   **MS. KRUPICKA:** No, Your Honor.

7                   **THE COURT:** All right, thank you.  
8 Ms. Bose, you may step down.  
9 You may step down.

10                               (Witness excused.)

11                   **THE COURT:** That last exhibit, the  
12 screenshot and all, was part of, I'm assuming it's  
13 part of Exhibit Number 16, we've never gotten it  
14 marked.

15                   **MR. PEEPLES:** Your Honor -- I'm sorry,  
16 Your Honor, I believe that's part of the collective  
17 Exhibit 15, it's part of that packet, I'm sorry,  
18 Your Honor.

19                   **MR. TIMMONS:** I believe he is correct.

20                   **THE COURT:** Okay, thank you.

21                   **MR. PEEPLES:** Thank you, Your Honor.

22                   **THE COURT:** Okay. We're about 5:25, we  
23 finished our first witness.

24                               I'm assuming you have additional  
25 witnesses?

1           **MR. TIMMONS:** Your Honor, I have two brief  
2 corroborating witnesses.

3           **THE COURT:** Okay. I need to get from your  
4 perspective what you mean by brief?

5           **MR. TIMMONS:** Your Honor, Ms. Chelsea  
6 Dezfuli is present and I anticipate that she is  
7 going to testify that the -- that Ms. Bose's  
8 testimony about the events of July were --

9           **THE COURT:** I understand what you mean  
10 about corroborating, but how long do you think it  
11 will take for us to get through that witness?

12           **MR. TIMMONS:** With regard to the incident  
13 in July and the incident in November, I anticipate  
14 about five questions for each one of those  
15 incidents.

16           **THE COURT:** All right. And what about the  
17 other witness.

18           **MR. TIMMONS:** It's similar testimony, Your  
19 Honor, basically the same thing.

20           **THE COURT:** All right. Call your next  
21 witness.

22           **MR. TIMMONS:** All right. Chelsea Dezfuli,  
23 Your Honor.

24           **THE COURT:** Okay. You're good right  
25 there.

1 Hold it.

2 **THE WITNESS:** Okay.

3 **THE COURT:** Face me.

4 Raise your right hand.

5 Do you solemnly swear or affirm, under the  
6 penalties of perjury, the testimony that you are  
7 about to provide the court in this matter will be  
8 the truth, the whole truth and nothing but the  
9 truth, so help you God?

10 **THE WITNESS:** Yes.

11 **THE COURT:** Be seated, please.

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1                                   **CHELSEA DEZFULI,**  
2       was thereupon called as a witness on behalf of the  
3       Plaintiff, and having been first duly sworn,  
4       was examined and testified as follows:

5                                   **DIRECT EXAMINATION**

6       **BY MR. TIMMONS:**

7       **Q.**       Would you please state your name.

8       **A.**       Yes.   Illene Chelsea Dezfuli.

9       **Q.**       Okay.   Would you spell that, please.

10      **A.**       Yes.   It's Illene, I-l-l-e-n-e, Chelsea, C --  
11      C-h-e-l-s-e-a, Dezfuli, D-e-z-f-u-l-i.

12      **Q.**       All right.   Ms. Dezfuli --

13                   **MR. TIMMONS:**   And with my opposing  
14      counsel's permission, I'm going to engage in some  
15      quick leading to just get us to the relevant  
16      material.

17                   **MS. KRUPICKA:**   I have no objection.

18      **BY MR. TIMMONS:**

19      **Q.**       Ms. Dezfuli, you are friends with Prianka  
20      Bose, right?

21      **A.**       Yes, sir.

22      **Q.**       Okay.   And you -- you know her because you're  
23      in the same sorority -- you were in the same  
24      sorority at Rhodes, correct?

25      **A.**       Yes.

1 Q. Okay. And you also attended the Organic  
2 Chemistry II class that Dr. Bea taught in the fall  
3 of 2015, correct?

4 A. Yes, I did.

5 Q. Okay. And you sat next to Ms. Bose?

6 A. Yes.

7 Q. And you studied with Ms. Bose?

8 A. Yes.

9 Q. All right. In July of 2015 did Ms. Bose  
10 appear at your home after an incident involving  
11 Dr. Bea in which she after -- in which she appeared  
12 unsettled?

13 A. Yes. She came to my house every weekend or  
14 so. And one day she came in, she -- like she felt  
15 uncomfortable and I had to like engage her in  
16 conversation. And she told me that Professor Bea  
17 had asked her a series of questions that seemed to  
18 take a more romantic interest than a personal kind  
19 of academic interest.

20 Q. Okay. And Ms. Bose told you that in July of  
21 2015?

22 A. Yes, she did.

23 Q. Okay. Did you have any advice for her?

24 A. Well, I told her that it could just be a  
25 research opportunity because many professors do ask

1 students to help with research. But it -- I told  
2 her, you said no to dinner, so that's -- you did  
3 your part, and that was that.

4 Q. Did Ms. Bose indicate what she thought the  
5 invitation to dinner was about?

6 A. Yes. She felt that it was more romantic and  
7 I -- I see that as well.

8 Q. All right. Moving forward to November of  
9 2015.

10 Was there an incident that happened in the  
11 Rhodes refectory involving Prianka Bose and Dr. Bea  
12 that you were present for?

13 A. Yes.

14 Q. Can you describe that incident for the court?

15 A. Yes. Prianka and I were sitting perpendicular  
16 to each other and Dr. Bea came up kind of around  
17 both of us, and so I had to really scoot back as if  
18 like I was totally out of the picture, and got  
19 really close to her and just peered over her  
20 shoulder and not in joking tone, but in a kind of  
21 serious tone asked, oh, is that your boyfriend? And  
22 just kind of walked away.

23 Q. What was your perception of that event?

24 A. I -- I thought it was odd, never ever heard  
25 of a professor asking about anything personal,

1 especially a boyfriend, like a love life kind of  
2 thing. So I told her you need to definitely say  
3 something, it's not okay. So I really encouraged  
4 her to go talk to Professor Bea.

5 Q. Okay. And did you, in fact, accompany her to  
6 do that?

7 A. Yes, I did. But I was not in earshot,  
8 however, I could see her.

9 Q. Would you just describe what happened next?

10 A. Yes. We were standing in front of the  
11 chemistry building, I was closer to the cafeteria,  
12 and I saw them engaging in conversation. Professor  
13 Bea seemed very attentive when first approached by  
14 Prianka and near the end of the conversation, he  
15 looked down, shook his head and kind of angrily  
16 walked away.

17 Q. All right. Then -- then did Prianka return  
18 to you?

19 A. Yes. She came back. You know, I said that  
20 didn't seem like it went very well. And she said  
21 she no. She -- no, it didn't. Yeah.

22 Q. Did you attend Professor Bea's class with  
23 Ms. Bose on the subsequent Friday and Monday?

24 A. Yes.

25 Q. Okay. Did you make any observations about

1 Dr. Bea's conduct towards Ms. Bose in those classes?

2 **A.** During that whole class it seemed a little  
3 tense. Both of us asked questions and tried to  
4 answer questions during lecture time. However, it  
5 didn't seem like our questions or our answers were  
6 welcomed.

7 **Q.** Okay. When -- when you or Ms. Bose asked  
8 questions, he wouldn't call on you, is that what  
9 you're saying?

10 **A.** Right. And so at that time I thought, okay,  
11 maybe someone else raised their hand before me or --

12 **Q.** All right.

13 **MR. TIMMONS:** All right. Your Honor, pass  
14 the witness.

15 **THE COURT:** All right, thank you.

16 Is there any cross?

17 **MS. KRUPICKA:** I have no questions, Your  
18 Honor.

19 **THE COURT:** All right. Ms. Dezfuli --

20 **THE WITNESS:** Yes, sir.

21 **THE COURT:** All right, thank you very  
22 much.

23 You can step down?

24 **THE WITNESS:** Thank you.

25 **THE COURT:** You're excused.



1 (Witness excused.)

2 **MR. TIMMONS:** Your Honor, my next witness  
3 is Rathi Bose.

4 **THE COURT:** All right.

5 Yes, ma'am, you are good right there.

6 If you would, please, raise your right  
7 hand.

8 Do you solemnly swear or affirm, under the  
9 penalties of perjury, the testimony that you are  
10 about to provide the court in this matter will be  
11 the truth, the whole truth and nothing but the  
12 truth, so help you God?

13 **THE WITNESS:** Yes.

14 **THE COURT:** Be seated, please.

15 **MR. TIMMONS:** And, Your Honor, again with  
16 permission from opposing counsel, I will engage in  
17 some harmless leading to establish --

18 **MS. KRUPICKA:** I have no objection.  
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1                                   **RATHI BOSE,**

2       was thereupon called as a witness on behalf of the  
3       Plaintiff, and having been first duly sworn,  
4       was examined and testified as follows:

5                                   **DIRECT EXAMINATION**

6       **BY MR. TIMMONS:**

7       **Q.**       Ms. Bose -- well, first of all would you  
8       state your name and spell it, please.

9       **A.**       Rathi Bose, it's R-a-t-h-i. And the last  
10      name is Bose, B-o-s-e.

11      **Q.**       Right.

12               And you are Prianka Bose's mother, correct?

13      **A.**       Yes.

14      **Q.**       All right. In July of 2015, did -- was there  
15      an occasion in which Prianka Bose contacted you  
16      about an incident involving Dr. Bea?

17      **A.**       Yes. Middle of July or end of July she  
18      called me up and she told me she had a very strange  
19      encounter with Dr. Bea.

20               And I asked her what that was. And she told  
21      me that he had flagged her down in the parking lot.  
22      And in the process of talking, he started asking  
23      some personal questions of what she was doing in  
24      Memphis and whether she had friends over, what was  
25      she doing at night, and then went a little bit

1 deeper and started asking her about boyfriend, has  
2 her boyfriend visited. And I felt that was very  
3 inappropriate.

4 **Q.** Okay. Did Prianka Bose express any concern  
5 about that incident to you?

6 **A.** Yes. She was very uncomfortable, and she did  
7 not know to do because this is the first time that a  
8 professor had approached her and was asking about  
9 her boyfriend or any personal questions because she  
10 had always tried to keep it at a very professional  
11 level.

12 **Q.** Okay. Moving forward to November -- I'm  
13 sorry, to, I believe, September of 2015, was there  
14 another incident that Ms. Bose -- that Prianka Bose  
15 contacted you about in which there were some  
16 personal interactions with Dr. Bea that made her  
17 uncomfortable?

18 **A.** Yes. It seemed that -- she told me that he  
19 had came into the lab and asked to see her after  
20 class. And she went to his classroom, I mean, to  
21 his office, and they were discussing research  
22 opportunities. And then after that he started  
23 asking her much more detailed questions about family  
24 life, sorority life, what she did in Atlanta,  
25 started delving into what part of India she was from

1 and whether she still had family there. So started  
2 getting more and more into her life.

3 Q. Did she indicate to you whether she was  
4 uncomfortable about that?

5 A. Yes, she felt very uncomfortable. So she got  
6 up and she started walking away. And she told me  
7 that he had kept walking behind her. And that she  
8 spoke out her father's number just to separate  
9 himself from her. And so she started talking to her  
10 dad at that point.

11 Q. All right. Now moving on to November 2015,  
12 was there an incident on November 19th, 2015, on  
13 which Ms. Bose contacted you, Prianka Bose contacted  
14 you about another incident involving Dr. Bea?

15 A. Yes. She told me that Dr. Bea approached her  
16 from the back at the Rat and leaned over her  
17 shoulders and asked her whether she was texting her  
18 boyfriend. And she felt extremely uncomfortable  
19 because it's the first time that he had really come  
20 into closeness -- a closeness. And she felt like  
21 she had to move away to getaway and she felt like it  
22 was getting more and more uncomfortable for her.

23 Q. Okay. Did you -- now do you recall -- from  
24 the time that she -- that that event occurred and  
25 she called you, do you know how long it was?

1     **A.**       I think it was shortly after, she was waiting  
2     for somebody --

3               **MS. KRUPICKA:**  Objection, Your Honor, this  
4     witness can't possibly know the answer to that  
5     question.

6               **THE COURT:**  Lay a better foundation.

7     **BY MR. TIMMONS:**

8     **Q.**       Did Ms. Bose indicate to you whether this had  
9     just happened?

10    **A.**       She said it had just happened like a few  
11    minutes ago, and she just wanted to tell me about  
12    it.

13    **Q.**       Okay.

14    **A.**       And what to do about it, so --

15    **Q.**       Right.

16               Did she give you -- did you give her any  
17    advice?

18    **A.**       I told her that she was coming into town for  
19    her sister's birthday and we would sit down as a  
20    family and discuss.  Because school, there's only  
21    about two or three weeks of school left and I wanted  
22    it to be done so she can get through organic and  
23    then we can try to make a decision at that point  
24    what to do.  She was no longer going to be having  
25    him as a professor and I was just trying to get her

1 through the class.

2 **Q.** Did she contact you again later that day?

3 Did she contact you again after she  
4 confronted Dr. Bea?

5 **A.** No, she did not, no.

6 **Q.** All right.

7 **MR. TIMMONS:** I don't have anymore  
8 questions.

9 **THE COURT:** Thank you.

10 **MS. KRUPICKA:** No questions, Your Honor.

11 **THE COURT:** All right, thank you.

12 And thank you, Ms. Bose, you may step  
13 down. You are excused.

14 **THE WITNESS:** Thank you.

15 (Witness excused.)

16 **THE COURT:** Anything further?

17 **MR. TIMMONS:** Your Honor, that rest my  
18 case.

19 **THE COURT:** All right, thank you.

20 Defense, any proof?

21 **MS. KRUPICKA:** We have a number of  
22 witnesses, Your Honor.

23 How would you like me to handle that?

24 **THE COURT:** We are not going to be able to  
25 get to them today. Okay. So we are going to have

1 to identify another date so we can continue with the  
2 testimony in the case.

3 I understand the nature of the issues and  
4 all, but we are just not going to be able to finish  
5 today.

6 **MS. KRUPICKA:** I understand, Your Honor.

7 **THE COURT:** Okay. So pull out your  
8 calendars.

9 Looking at Monday, June 27th.

10 **MR. TIMMONS:** I am available, Your Honor.

11 We're -- we're both available, Your Honor.

12 **MS. KRUPICKA:** Your Honor, Dr. Pohlmann,  
13 one of our witness is scheduled to be out of town on  
14 the 22nd. If you would like to hear his testimony  
15 out of turn, I'm happy to call him now.

16 **THE COURT:** How long do you think it will  
17 take?

18 **MS. KRUPICKA:** I'm sorry, did you say the  
19 22nd or the --

20 **THE COURT:** The 27th.

21 **MS. KRUPICKA:** The 27th, I'm sorry.

22 You're going to be in Denver?

23 Yes.

24 **THE COURT:** So we're good?

25 **MS. KRUPICKA:** No, he is going to be in

1 Denver, Your Honor.

2 **THE COURT:** Oh, he's going to be out of  
3 town.

4 **MS. KRUPICKA:** Yes.

5 **THE COURT:** How long do you anticipate his  
6 testimony is going to take?

7 **MS. KRUPICKA:** Not long, Your Honor, 15  
8 minutes.

9 **THE COURT:** All right. We will go ahead  
10 and take it out of -- out of turn. We will deal  
11 with it now. And then the rest of the hearing we  
12 will put off -- we have one thing going on that  
13 morning, and so we will pick it up on the 27th -- in  
14 fact, we can start at 9:30.

15 **MR. TIMMONS:** 9:30, Your Honor?

16 **THE COURT:** 9:30 on the 27th.

17 **MS. KRUPICKA:** That's fine, Your Honor.

18 **THE COURT:** Okay. It's good for everybody  
19 else?

20 **MS. KRUPICKA:** We can do that, Your Honor.

21 **THE COURT:** Okay, thank you.

22 All right. Why don't we go ahead and take  
23 the one witness and then we will conclude for the  
24 day.

25 Ms. Krupicka, I'm assuming this is your



1 witnesses here?

2 **MS. KRUPICKA:** Yes, Your Honor, I'm sorry,  
3 I was just trying to find my paper.

4 **THE COURT:** That's quite all right, he  
5 came forward without any prompting which is fine.

6 If you would, please, raise your right  
7 hand.

8 Do you solemnly swear or affirm, under the  
9 penalties of perjury, the testimony that you are  
10 about to provide the court in this matter will be  
11 the truth, the whole truth and nothing but the  
12 truth, so help you God?

13 **THE WITNESS:** Yes, Your Honor.

14 **THE COURT:** Be seated here, please.  
15  
16  
17  
18  
19  
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21  
22  
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25

1                                   **MARCUS POHLMANN,**

2       was thereupon called as a witness on behalf of the  
3       Defendants, and having been first duly sworn,  
4       was examined and testified as follows:

5                                   **DIRECT EXAMINATION**

6       **BY MS. KRUPICKA:**

7       **Q.**       Could you state your name for the record,  
8       please.

9       **A.**       Marcus Pohlmann.

10      **Q.**       And by whom are you employed?

11      **A.**       Rhodes College.

12      **Q.**       What is your job title?

13      **A.**       I'm a --

14                   **THE COURT:**   Could we get him, please, to  
15       spell his name, please.

16      **A.**       Yes.   P-o-h-l-m-a-n-n.

17      **Q.**       And what is your job title?

18      **A.**       I'm a professor of Political Science.

19      **Q.**       Are you currently chair of the Faculty  
20       Appeals Committee?

21      **A.**       I am.

22      **Q.**       How long have you worked for Rhodes College?

23      **A.**       This is my -- I just completed my 30th year.

24      **Q.**       And how long have you served in the role of  
25       chair of the Faculty Appeals Committee?

1     **A.**       This is my third stint. You serve three year  
2     stints, this is my third stint on that committee.  
3     In this last stint, I just served as chair for this  
4     past year.

5     **Q.**       Okay. And you presided over Prianka Bose's  
6     appeal, is that correct?

7     **A.**       I did, yes.

8     **Q.**       And you were asked to consider new evidence  
9     during the hearing, is that correct?

10    **A.**       We were.

11    **Q.**       What was it?

12    **A.**       We were asked to consider a packet of  
13    information that apparently had arrived at the  
14    family's home at the last minute. And it was a  
15    packet of information that apparently was not  
16    available to the Honor Council when they had their  
17    original hearing.

18    **Q.**       All right. Did Ms. Bose make a statement  
19    during the hearing?

20    **A.**       She did.

21    **Q.**       Did Ms. Regan Adolph make a statement on  
22    behalf of the Honor Council?

23    **A.**       She did. I -- actually I don't recall if she  
24    made any additional statement beyond -- they -- they  
25    present us opening remarks in written form. I

1 honestly don't remember whether she spoke beyond  
2 those opening, that -- that was edited and presented  
3 in written form, but she at least presented that as  
4 her opening statement.

5 **Q.** And the Honor Council submits a written  
6 response to the appeal, is that correct, as part --  
7 as part of the appeals packet?

8 **A.** Yes, we do.

9 **Q.** All right.

10 **MS. KRUPICKA:** I'm sorry, Your Honor, just  
11 one moment.

12 **BY MS. KRUPICKA:**

13 **Q.** I'm going to hand you a document and ask you  
14 if you can identify it.

15 **A.** All right.

16 Yes. This is the e-mail message I sent to  
17 John Blaisdell, who -- who is the representative of  
18 the -- of the college and the person to which we or  
19 to whom we report at -- at the end of our hearings.

20 **Q.** Is this the decision of the Faculty Appeals  
21 Committee on Ms. Bose's appeal?

22 **A.** It is.

23 **MS. KRUPICKA:** I would like to have that  
24 marked as the next exhibit, Your Honor.

25 **THE COURT:** All right. Any objection?

1                   **MR. TIMMONS:** No, Your Honor.

2                   **THE COURT:** Okay. We will show it marked,  
3 I believe it is number 17.

4                   **THE CLERK:** Yes, sir.

5                   (Exhibit Number 17 was marked;  
6 Description: E-mail.)

7 **BY MS. KRUPICKA:**

8 **Q.** And could you read that decision into the  
9 record, please?

10 **A.** Yes. Dated January 29th, 2016.

11                   It says: Regarding -- and I was the author  
12 of this -- "Regarding the Prianka Bose appeal, the  
13 Faculty Appeals Committee carefully discussed the  
14 appeal requests outlined in the formal appeals  
15 packet provided to the committee and testimony given  
16 during the appeals hearing. The Appeals committee  
17 did not find sufficient grounds for asking the Honor  
18 Council to reconsider its decision in terms of  
19 either the fairness of the original hearing process  
20 or the sufficiency of their evidence. We do  
21 recommend that the Honor Council review the new  
22 evidence presented at the appeals hearing, see list  
23 below. In our view the Honor Council needs to make  
24 a determination as to its validity; and if  
25 determined to be valid, the Honor Council should

1 then review the penalty in light of the weight it  
2 gave that component of the case."

3 Q. And what do you list?

4 A. The Midterm 3, Quiz 4, Quiz 3, Midterm 2A,  
5 the shipping bill when it arrives, and the shipping  
6 box when it arrives.

7 Q. And so those last two items were not  
8 available for the Faculty Appeals Committee?

9 A. I'm not sure what you mean by that -- oh,  
10 yeah, I see what you're saying now, yes.

11 The shipping bill and the shipping box were  
12 not available to us. So, when it arrives means when  
13 they were able to go back home and send it to the --  
14 to the Honor Council.

15 Q. Okay. Did the new evidence submitted affect  
16 your -- your decision at all?

17 A. The new evidence did not affect our decision,  
18 but because it was new evidence, it was not  
19 available to the Honor Council at the time, we felt  
20 that they should have an opportunity to review it  
21 for both validity and substance.

22 Q. All right. And Ms. Bose's appeal letter  
23 discussed in detail her allegations against  
24 Dr. Bea's conduct that she considered inappropriate,  
25 is that correct?

1     **A.**       It did.

2     **Q.**       Did those allegations play any part in your  
3     decision?

4     **A.**       They were certainly reviewed, both in their  
5     written form and in the form of verbal testimony.  
6     They were considered as part of the -- of the  
7     overall case that Honor Council was considering.

8               Again, our job is appeal -- not again, but  
9     our job as appeals is to determine if the process  
10    was fair and if there was sufficient evidence to  
11    reach the decision that Honor Council did.

12              And we reviewed that information in that  
13    light and still felt, you know, even if that  
14    information was valid, that there was still adequate  
15    evidence for Honor Council to reach the conclusion  
16    that they reached.

17              **MS. KRUPICKA:** Thank you.

18              That's all I have, Your Honor.

19              **THE COURT:** Thank you.

20              And is there cross?

21              **MR. COHEN:** Yes, Your Honor.

22                              **CROSS EXAMINATION**

23     **BY MR. COHEN:**

24     **Q.**       Professor Pohlmann, what, in substance, is  
25     your memory of the material submitted to you

1 regarding Prianka Bose's allegation that the  
2 cheating allegation was retaliatory?

3 **A.** I'm not quite sure what the question is.

4 I -- the -- what we reviewed was pretty much  
5 what we heard today in court, those two or three  
6 events that -- that occurred and her conclusion  
7 that -- that the professor's actions then must be  
8 retaliatory.

9 **Q.** Was it clear to you and the committee that  
10 she had made a claim to this appeals committee that  
11 she complained of unwanted romantic attention by  
12 Professor Bea?

13 **A.** That was conveyed to us, yes.

14 **Q.** All right. And was it conveyed to you that  
15 within eight days thereafter she was accused of  
16 cheating by Dr. Bea?

17 **A.** Yes.

18 **Q.** And were you familiar, as a long-time  
19 professor, that your school had a Title IX  
20 investigation process?

21 **A.** The Title IX investigation process, I  
22 believe, was created this year in much more detail,  
23 but, yes, I knew there was such a thing.

24 **Q.** And did you and the members of the committee  
25 discuss that it would be more appropriate for this



1 sort of accusation to be fully investigated by the  
2 Title IX folks at your college?

3 **MS. KRUPICKA:** Objection, Your Honor, lack  
4 of foundation.

5 **THE COURT:** I will overrule it.

6 Go ahead and answer.

7 **A.** To the -- ask the question again, I want to  
8 be real clear.

9 **Q.** Well, let me give it some context --

10 **A.** Okay.

11 **Q.** -- so you will understand the question  
12 better.

13 You're being asked to review whether an  
14 expulsion order is appropriate, correct?

15 **A.** Yes.

16 **Q.** And so you looked at the evidence about  
17 grades and changed grades and answer keys and all of  
18 that sort of thing, right?

19 **A.** We did.

20 **Q.** But you also had evidence of a significant  
21 claim by a student that this cheating allegation was  
22 motivated totally or to a great extent by the fact  
23 that she had recently complained about unwanted  
24 romantic or sexual attention by the very person  
25 accusing her of cheating?

1           **MS. KRUPICKA:** We object to the question  
2 again, Your Honor. It assumes facts not in  
3 evidence, conclusory, it doesn't reflect the  
4 testimony today.

5           **THE COURT:** I think you are going to have  
6 to lay a better foundation in order to go into that.

7           So at this point I'm going to sustain it.

8 **BY MR. COHEN:**

9 **Q.** You testified on direct that part of what you  
10 considered in the appeal packet was the student's  
11 claim that she had complained to Dr. Bea about  
12 unwanted romantic or sexual attention, is that  
13 correct?

14 **A.** We reviewed her claim to that effect, yes.

15 **Q.** All right. And was her claim clear enough  
16 for you to understand what she was alleging?

17 **A.** Yes.

18 **Q.** And so, in your own words, please tell the  
19 court what you recall that she alleged?

20 **A.** One of the things that I recall that she is  
21 alleging is that the cheating documents were -- were  
22 contrived somehow by the professor and to retaliate  
23 against her because of some sort of spurned advance.

24 **Q.** And did you and your committee ever discuss  
25 the fact that these sort of student complaints,

1 regarding inappropriate conduct of a sexual or  
2 romantic nature by a professor, are to be  
3 investigated by the Title IX coordinator of the  
4 college?

5 **MS. KRUPICKA:** Objection, Your Honor.  
6 This witness is not a lawyer and he is not involved  
7 in Title IX procedure.

8 **MR. COHEN:** Your Honor, I asked if the  
9 matter was discussed, it's pretty plain and simple  
10 question.

11 **THE COURT:** I'm going to overrule it. He  
12 will be allowed to go into that.

13 **A.** I would say that we intentionally chose not  
14 to discuss that at length because it did not seem  
15 like what we were being primarily asked to decide.

16 **Q.** And so is it correct that you really chose to  
17 avoid the issue of whether this expulsion was tied,  
18 in any respect, to a retaliatory motive?

19 **A.** No, we did not choose to avoid that. We  
20 chose to not attempt to determine whether the  
21 allegation was accurate and whether that allegation  
22 would rise to the level of sexual harassment because  
23 we didn't feel like that was our grounds to do.

24 But in light of the allegation, we still  
25 found sufficient grounds to -- to reach the

1 conclusion the Honor Council reached.

2 Q. So you've -- you've indicated you're pretty  
3 experienced in this role as a faculty appeals  
4 member, correct?

5 A. Yes, eight years, I would say roughly, yeah.

6 Q. And how much of the eight years have you been  
7 chair of this group?

8 A. I was probably chair at least once each  
9 stint, so I would say this is probably the third  
10 time that I have been chair of that committee.  
11 Third year, yes.

12 Q. Well, as a hypothetical, if a student, who  
13 had an appeal in front of you, had what you believed  
14 to be convincing, clear and convincing evidence that  
15 his or her expulsion was retaliatory for having  
16 complained about professor's misconduct, would it  
17 still be your view that you just can't touch that?

18 MS. KRUPICKA: Objection to the question,  
19 it assumes facts not in evidence and it asks for  
20 speculation on a hypothetical situation.

21 THE COURT: How do you respond to that?

22 MR. COHEN: I respond, Your Honor, by  
23 telling you that this case is about Rhodes College  
24 indifference --

25 THE COURT: I'm fully aware of the issues

1 in the case. But I'm talking about the specific  
2 objection that she's brought forth.

3 **MR. COHEN:** Well, assumes facts not in  
4 evidence is not relevant to the hypothetical, he's  
5 testified about what his role is and the committee's  
6 role, and I'm trying to establish whether if he and  
7 the committee believed that there was a sufficient  
8 connection between an expulsion and a retaliatory  
9 motive, would that not cause them to look further.

10 **THE COURT:** Why don't you ask him that.

11 **MR. COHEN:** All right.

12 **BY MR. COHEN:**

13 **Q.** If you found that there was a significant  
14 connection between a student's expulsion and a  
15 retaliatory motive by a professor, would it be your  
16 job to look into that?

17 **A.** Sure. If the evidence -- if the evidence  
18 presented was clear and convincing to that extent,  
19 yes, of course.

20 **Q.** But for reasons that you have explained to  
21 some degree, in this case even though this student,  
22 Ms. Bose, brought up the subject of there being a  
23 retaliatory connection, you chose to ignore it  
24 and -- and not really pursue that, correct?

25 **A.** Oh, we pursued it. We -- I mean, we -- we

1 considered the evidence presented and -- and  
2 determined that there was sufficient evidence of  
3 cheating regardless of that allegation.

4 **MR. COHEN:** All right.

5 Thank you.

6 **THE COURT:** All right, thank you.

7 Any redirect?

8 **MS. KRUPICKA:** No, Your Honor.

9 **THE COURT:** Okay. Is it Pohlmann?

10 **THE WITNESS:** Yes.

11 **THE COURT:** Mr. Pohlmann, thank you very  
12 much.

13 You can step down, you are excused?

14 **THE WITNESS:** Thank you, Your Honor.

15 (Witness excused.)

16 **THE COURT:** Okay. I think we're going to  
17 call our proceedings today to a close. I think we  
18 have another date to come back and finish the  
19 testimony. I will hear from both sides at that time  
20 with regard to the arguments. I think we had an  
21 opening but I'm sure both sides will have something  
22 to say with regard to what must be proven and  
23 whether or not the burdens have been carried.

24 Anything else that we can deal with today?

25 Yes, sir.

1           **MR. TIMMONS:** Oh, no, Your Honor, I just,  
2 when you said you were closing, I stood up and I  
3 didn't sit back down.

4           **THE COURT:** All right.

5           Okay. I'm assuming nothing from either  
6 side?

7           **MS. KRUPICKA:** No, Your Honor.

8           **THE COURT:** Okay. Let's go ahead and  
9 adjourn court.

10          **THE CLERK:** All rise.

11          This honorable court now stands in  
12 adjournment sine die.

13          **THE COURT:** Ms. Krupicka or someone on  
14 your team, could you help me with regard to Exhibit  
15 Number 16, it was never marked. And unless, if we  
16 don't get it marked, I'm not going to consider it  
17 whatever the exhibit was.

18          **THE CLERK:** The Faculty Appeals Committee,  
19 I think it was a copy up here on the witness stand.

20          (Adjournment at 6:05 p.m.)

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22

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C E R T I F I C A T E

I, Lynn Dudley, do hereby certify that the foregoing 183 pages are, to the best of my knowledge, skill and ability, a true and accurate transcript from my stenotype notes of the TRO/Injunction Hearing on June 7, 2016, in the matter of:

JANE DOE

vs.

RHODES COLLEGE AND ROBERTO DE LA SAALUD BEA

Dated this 10th day of June 2016.

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Lynn Dudley  
Official Court Reporter  
United States District Court  
Western District of Tennessee